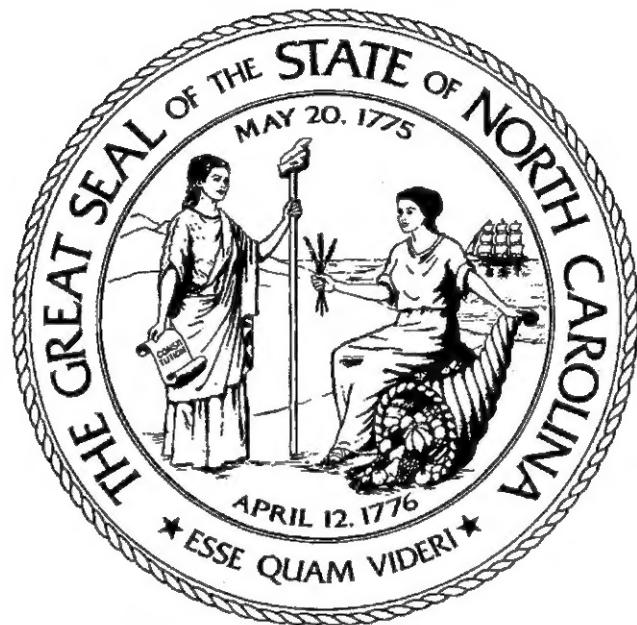


**JOINT LEGISLATIVE COMMISSION
ON MUNICIPAL INCORPORATIONS**



**REPORT TO THE
GENERAL ASSEMBLY
OF NORTH CAROLINA
Proposed Town of Butner**

June 25, 2007

REPORT TO THE GENERAL ASSEMBLY

Proposed Incorporation of the Town of Butner June 25, 2007

The Joint Legislative Commission on Municipal Incorporations was created in 1986 by the General Assembly to conduct an independent review and evaluation of proposed municipal incorporations. This evaluation, to be conducted in accordance with a statutory set of objective criteria, is designed to allow the General Assembly to see the feasibility of the proposed new municipality. The Commission consists of four members of the General Assembly, one city official, and one county official. A list of members appears as Appendix A.

The statutory criteria require a review of community support (a petition is required), population, land development, nearness to other urban areas, and ability to provide municipal services at a reasonable tax rate. A copy of the statutes authorizing the Commission and setting up the review standards is attached as Appendix B.

The Commission received a petition proposing the incorporation of the Town of Butner in Granville County on May 7, 2007. A copy of the petition is attached as Appendix C.

The Commission, pursuant to G.S. 120-161, asked the Division of Community Assistance of the Department of Commerce to evaluate the petition. The Division conducted the evaluation and, based upon its report, the Commission found that the requirements of G.S. 120-163 and G.S. 120-164 had been met (a copy of the report is attached as Appendix D).

The Commission also requested that the Division of Community Assistance evaluate the proposed Town's petition for incorporation under G.S. 120-166 (a copy of the report is attached as Appendix E). The Division conducted the evaluation and determined that before the Commission could make a positive recommendation for the incorporation of Butner, the proposed Town would have to obtain a resolution from the City of Durham expressly approving incorporation of Butner. On May 24, 2007, the City of Durham adopted a resolution expressly approving the incorporation of the proposed Town of Butner on the condition that the proposed Town complies with certain annexation requirements as to property in Durham County.

The Commission further requested that the Division of Community Assistance evaluate the proposed Town's petition under G.S. 120-167 through G.S. 120-170 (a copy of the report is attached as Appendix F). The Division

conducted the evaluation and determined that all statutory requirements had been met.

Pursuant to G.S. 120-169.1, the Commission requested that the Fiscal Research Division provide data that shows the impact on other municipalities and counties of the diversion of already levied taxes or State-shared revenues to support services in the proposed Town of Butner (a copy of the report is attached as Appendix G). The data provided by the Division (based upon figures from 2005-2006) shows that sales tax revenues in Granville County are distributed on a per capita basis. If the proposed Town of Butner had been incorporated at that time, it would have received approximately \$973,568 in sales tax revenues. The incorporation of Butner would have a marginal impact on the distribution of Powell Bill funds in the State and Granville County. If incorporated in 2005-2006, the proposed Town of Butner would have received an estimate of \$1,625,000 in other forms of revenue, including Powell Bill funds, from the State as long as the proposed Town had met the statutory requirements to receive these funds.

The Commission finds that the proposed Town of Butner does meet the standards required by Article 20 of Chapter 120 of the General Statutes, and therefore the Commission does recommend incorporation of the area as the Town of Butner.

APPENDIX A

JOINT LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS 2004-2006 Membership

President Pro Tem's Appointments Speaker's Appointments

Senator Fletcher Hartsell
P. O. Box 368
Concord, NC 28026-0368

Representative Becky Carney
P. O. Box 32873
Charlotte, NC 28232

Senator Vernon Malone
2124 Lyndhurst Dr.
Raleigh, NC 27610

Representative William Wainwright
P. O. Box 941
Havelock, NC 28532

Mr. Steven Raper
P. O. Box 1180
Rocky Mount, NC 27802-1180
raper@ci.rocky-mount.nc.us
(252) 972-1325

Mr. Mike Cross
Chatham County Commissioner
388 Cross Point Road
New Hill, NC 27562

Staff

Gayle L. Moses, Staff Attorney
Bill Drafting Division

Legislative Assistant

Gerry Cohen, Director
Bill Drafting Division

Delta Prince
2125 Legislature Building
Raleigh, NC
919-733-5649

Oliver Bass
Dept of Commerce, Division of
Community Assistance
733-2853

APPENDIX B

Article 20.

Joint Legislative Commission on Municipal Incorporations.

Part 1. Organization.

§ 120-158. Creation of Commission.

(a) There is created the Joint Legislative Commission on Municipal Incorporations, referred to in this Article as "Commission".

(b) The Commission shall consist of six members, appointed as follows:

- (1) Two Senators appointed by the President Pro Tempore of the Senate;
- (2) Two House members appointed by the Speaker;
- (3) One city manager or elected city official, appointed by the President Pro Tempore of the Senate from a list of three eligible persons nominated by the North Carolina League of Municipalities; and
- (4) One county commissioner or county manager, appointed by the Speaker from a list of three eligible persons nominated by the North Carolina Association of County Commissioners. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1991, c. 739, s. 17.)

§ 120-159. Terms.

Members shall be appointed for terms ending June 30, 1987, and subsequently for two-year terms beginning July 1, 1987, and biennially thereafter. A member eligible when appointed may continue for the remainder of the term regardless of the member's continued eligibility for the category. The Commission shall elect a chairman from its membership for a one-year term. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-160. Compensation.

Members of the Commission who are members of the General Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All other members shall receive per diem, subsistence, and travel allowances as provided by G.S. 138-5. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-161. Facilities and staff.

The Commission may meet in the Legislative Building or the Legislative Office Building. Staff for the Commission shall be provided by the Legislative Services Commission. The Commission may contract with the Institute of Government, the Local Government Commission, the Department of Environment and Natural Resources, or other agencies as may be necessary in completing any required studies, within the funds appropriated to the Commission. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1989, c. 727, s. 218(82); 1997-443, s. 11A.119(a).)

§ 120-162. Reserved for future codification purposes.

Part 2. Procedure for Incorporation Review.

§ 120-163. Petition.

(a) The process of seeking the recommendation of the Commission is commenced by filing with the Commission a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than 25 registered voters of that area, asking for incorporation. The voter shall sign the petition and also clearly print that voter's name adjacent to the signature. The petition must also contain the voter's residence address and date of birth.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt. That period of 15 working days shall be tolled for any period of time that is also either two weeks before or one week after a primary or election being conducted by the county board of elections.

(c) The petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election. The petition must contain a statement that the proposed municipality will have a budget ordinance with an ad valorem tax levy of at least five cents (5¢) on the one hundred dollar (\$100.00) valuation upon all taxable property within its corporate limits. The petition must contain a statement that the proposed municipality will offer four of the following services no later than the first day of the third fiscal year following the effective date of the incorporation: (i) police protection; (ii) fire protection; (iii) solid waste collection or disposal; (iv) water distribution; (v) street maintenance; (vi) street construction or right-of-way acquisition; (vii) street lighting; and (viii) zoning. In order to qualify for providing police protection, the proposed municipality must propose either to provide police service or to have services provided by contract with a county or another municipality that proposes that the other government be compensated for providing supplemental protection. The proposed municipality may not contain any noncontiguous areas.

(d) The petitioners must present to the Commission the verified petition from the county board of elections.

(e) A petition must be submitted to the Commission at least 60 days prior to convening of the next regular session of the General Assembly in order for the Commission to make a recommendation to that session. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1999-458, s. 1; 2001-353, s. 6.)

§ 120-164. Notification.

(a) Not later than five days before submitting the petition to the Commission, the petitioners shall notify:

- (1) The board or boards of county commissioners of the county or counties where the proposed municipality is located;
- (2) All cities within that county or counties; and
- (3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the Commission.

(b) The petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the Commission, notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the Commission. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-165. Initial inquiry.

(a) The Commission shall, upon receipt of the petition, determine if the requirements of G.S. 120-163 and G.S. 120-164 have been met. If it determines that those requirements have not been met, it shall return the petition to the petitioners. The Commission shall also publish in the North Carolina Register notice that it has received the petition.

(b) If it determines that those requirements have been met, it shall conduct further inquiry as provided by this Part. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-166. Additional criteria; nearness to another municipality.

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census. For purposes of this section, "municipality" means a city as defined by G.S. 160A-1(2) or a county that has exercised its authority under Article 24 of Chapter 153A of the General Statutes.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;
- (3) The municipalities within the distances described in subsection (a) of this section by resolution express their approval of the incorporation; or
- (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved. (1985

(Reg. Sess., 1986), c. 1003, s. 1; 1989 (Reg. Sess., 1990), c. 1024, s. 25; 1998-150, s. 2; 2000-140, s. 93.1(a); 2001-424, s. 12.2(b); 2005-35, s. 2.)

§ 120-167. Additional criteria; population.

The Commission may not make a positive recommendation unless the proposed municipality has a permanent population of at least 100 and a population density (either permanent or seasonal) of at least 250 persons per square mile. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1999-458, s. 2.)

§ 120-168. Additional criteria; development.

The Commission may not make a positive recommendation unless forty percent (40%) of the area is developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1999-458, s. 3.)

§ 120-169. Additional criteria; area unincorporated.

The Commission may not make a positive recommendation if any of the proposed municipality is included within the boundary of another incorporated municipality, as defined by G.S. 153A-1(1), or if any of the proposed municipality is included within the boundary of a county that has exercised its authority under Article 24 of Chapter 153A of the General Statutes. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 2005-35, s. 3.)

§ 120-169.1. Additional criteria; level of development, services; financial impact on other local governments.

(a) Repealed by Session Laws 1999-458, s. 4.

(b) Services. – The Commission may not make a positive recommendation unless the area to be incorporated submits a plan for providing a reasonable level of municipal services. This plan shall be based on the proposed services stated in the petition under G.S. 120-163(c).

(c) The Commission in its report shall indicate the impact on other municipalities and counties of diversion of already levied local taxes or State-shared revenues from existing local governments to support services in the proposed municipality. (1998-150, s. 3; 1999-458, s. 4.)

§ 120-170. Findings as to services.

The Commission may not make a positive recommendation unless it finds that the proposed municipality can provide at a reasonable tax rate the services requested by the petition, and finds that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. In making findings under this section, the Commission shall take into account municipal services already being provided. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-171. Procedures if findings made.

(a) If the Commission finds that it may not make a positive recommendation because of the provisions of G.S. 120-166 through G.S. 120-170, it shall make a negative recommendation to the General Assembly. The report to the General Assembly shall list the grounds on which a negative recommendation is made, along with specific findings.

If a negative recommendation is made, the Commission shall notify the petitioners of the need for a legally sufficient description of the proposed municipality if the proposal is to be considered by the General Assembly. At the request of a majority of the members of the interim board named in the petition, the Commission may conduct a public hearing and forward any comments or findings made as a result of that hearing along with the negative recommendation.

(b) If the Commission determines that it will not be barred from making a positive recommendation by G.S. 120-166 through G.S. 120-170, it shall require that petitioners have a legally sufficient description of the proposed municipality prepared at their expense as a condition of a positive recommendation.

(c) If the Commission determines that it is not barred from making a positive recommendation, it shall make a positive recommendation to the General Assembly for incorporation.

(d) The report of the Commission on a petition shall be in a form determined by the Commission to be useful to the General Assembly. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-172. Referendum.

Based on information received at the public hearing, the Commission may recommend that any incorporation act passed by the General Assembly shall be submitted to a referendum, except if the petition contained the signatures of fifty percent (50%) of registered voters the Commission shall not recommend a referendum. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-173. Modification of petition.

With the agreement of the majority of the persons designated by the petition as an interim governing board, the Commission may submit to the General Assembly recommendations based on deletion of areas from the petition, as long as there are no noncontiguous areas. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-174. Deadline for recommendations.

If the petition is timely received under G.S. 120-163(e), the Commission shall make its recommendation to the General Assembly no later than 60 days after convening of the next regular session after submission of the petition. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§§ 120-175 through 120-179. Reserved for future codification purposes.

PETITION INFORMATION SHEET, TOWN OF BUTNER INCORPORATION

1. The name of the area proposed to be incorporated shall be the "Town of Butner."
2. A map of the area proposed to be incorporated is attached hereto as Exhibit "A".
3. The following services shall be provided by the proposed Town of Butner no later than the first day of the third fiscal year following the effective date of incorporation:
 - (a) Police Protection.—To be provided by contract with Butner Public Safety.
 - (b) Fire Protection.—To be provided by contract with Butner Public Safety.
 - (c) Street Maintenance.
 - (d) Street Lighting.
 - (e) Zoning.
4. Edgar Smoak, Tom Lane, and John Wimbush shall serve as the interim governing board for the Town of Butner and shall act in consultation with the other members of the Butner Advisory Council.
5. A proposed charter for the Town of Butner is attached hereto and incorporated herein by reference as Exhibit "B".
6. The estimated population of the area proposed to be incorporated based on data from the 2000 census is approximately 7,722 and is expected to have significantly increased.
7. The assessed valuation in the area proposed to be incorporated is estimated to be \$665,384,786.00 based on information obtained from the Granville County Tax Office.
8. The area proposed to be incorporated (1) is intensively developed for residential, commercial, institutional, and industrial uses within the area of the Butner Reservation known as the Town of Butner; (2) is developed for commercial, residential, and industrial uses, and is quickly urbanizing, in the area currently known as Lyons Station Water and Sewer District, (3) is developed for residential, commercial, and industrial uses in the area now known as Cozart Water and Sewer District, and (4) is developing mainly for residential use in the areas adjacent to the area currently known as Lyons Station.
9. The population density of the area proposed to be incorporated is estimated to be 523.17 people per square mile. There are approximately 14.76 square miles in the area to be incorporated.
10. The proposed form of government and manner of election of the Town Council and Mayor is set forth in the draft Articles of Incorporation for the Town of Butner which are attached hereto and incorporated herein by reference as Exhibit "B". The Town of Butner shall have a council-manager form of government. The mayor shall be elected biannually by popular vote of the people of the Town of Butner. In addition, the Town Council shall have six members serving staggered four year terms. Elections shall be conducted on a nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.
11. The incorporated town of Butner will have a budget ordinance with an ad valorem tax levy of twenty-five cents (\$0.25) on the one hundred dollar (\$100.00) valuation upon all taxable property within its corporate limits. The tax levied by the Town of Butner shall replace the tax currently levied by the State of North Carolina in those portions of the incorporated area currently subject to the Butner Fire and Police Protection District tax of twenty-five cents (\$0.25) on the one hundred dollar (\$100.00) valuation.

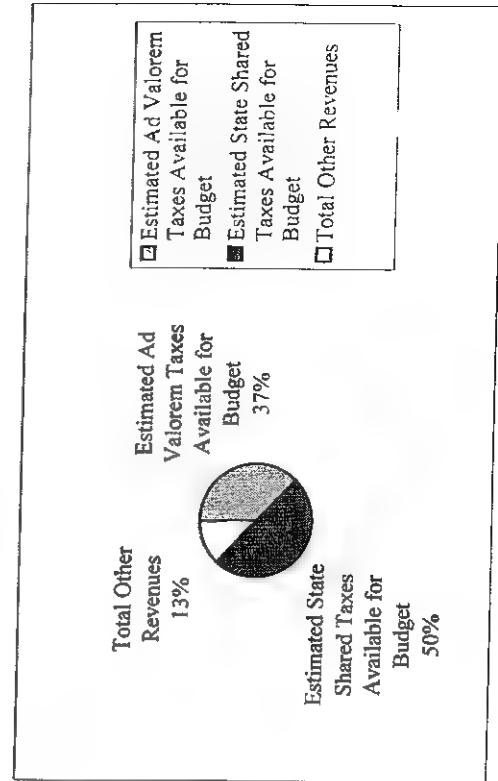
Pro Forma Budget Revenues

Ad Valorem Taxes

Butner	Lyons Station	Cozart	Totals
\$427,787,623	\$172,750,379	\$13,416,634	\$613,954,636
\$41,435,510	\$7,478,875	\$2,515,765	\$51,430,150
\$469,223,133	\$180,229,254	\$15,932,399	\$665,384,786
Current tax Rate (per \$100.)	\$0.25	\$0.25	
Total Estimated Tax Levy	\$1,173,058	\$450,573	\$39,831
Collection Rate	90.00%	90.00%	90.00%
Estimated Ad Valorem Taxes Available for Budget	\$1,055,752	\$405,516	\$35,848
State Shared Taxes (per Revenue Department Estimate)			
Sales & Use	\$1,065,000	\$193,000	\$1,451,500
Electric Power Franchise	\$150,000	\$25,000	\$200,000
Beer and Wine Excise Tax	\$25,000	\$4,300	\$33,600
Piped Natural Gas Tax	\$17,000	\$2,900	\$22,800
Telecommunications Sales Tax	\$74,500	\$11,000	\$96,500
Powell Bill (Restricted for Street Maint only)	\$158,500	\$22,400	\$203,300
Estimated State Shared Taxes Available for Budget	\$1,490,000	\$258,600	\$259,100
			\$2,007,700

Other Revenues

Annual	Total Other Revenues	Estimated Ad Valorem Taxes Available for Budget	Estimated State Shared Taxes Available for Budget	Summary
SGWASA	\$500,000	\$32,000	\$1,497,116	Estimated Ad Valorem Taxes Available for Budget
Cablevision (\$8,000. * 4)	\$532,000		\$2,007,700	Estimated State Shared Taxes Available for Budget
Total Other Revenues			\$532,000	Total Other Revenues
				\$4,036,816

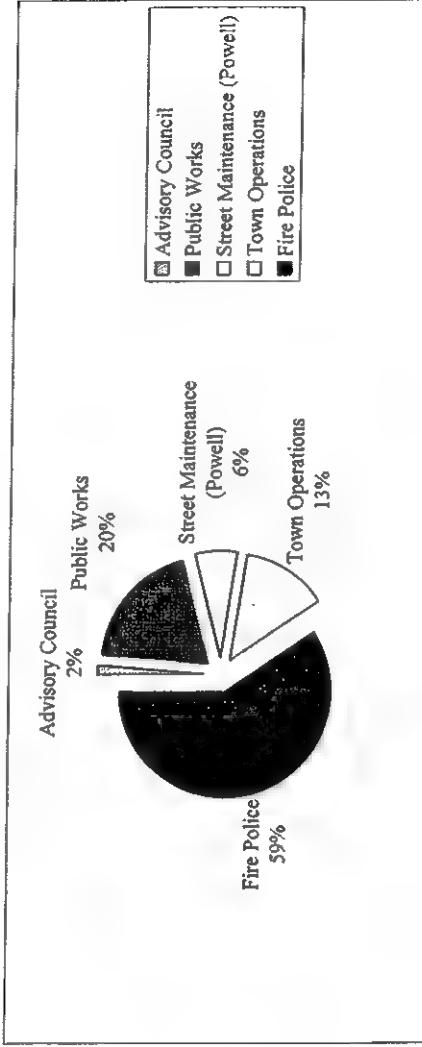
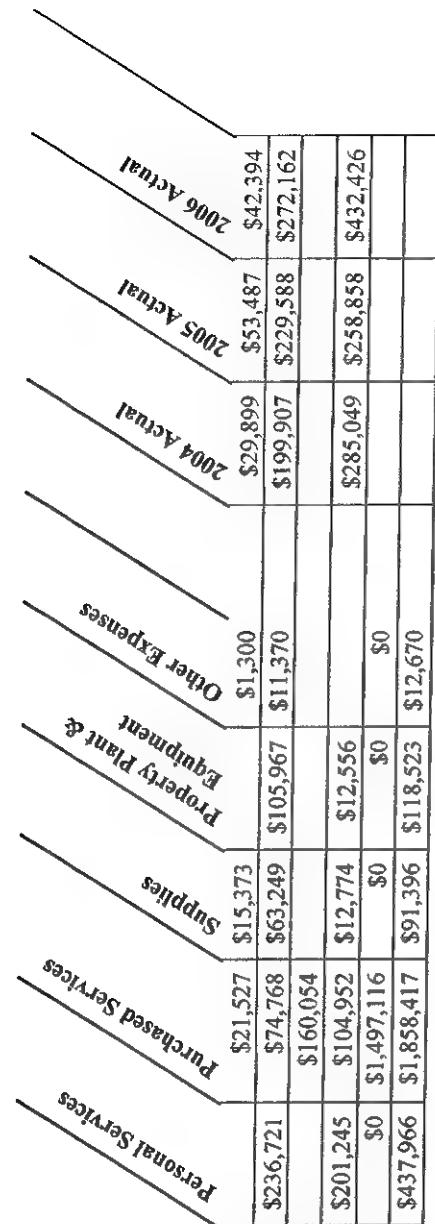


Pro Forma Budgeted Expenses

	<u>Estimated Expenses</u>
Advisory Council	\$38,200
Public Works	\$492,075
Street Maintenance (Powell)	\$160,054
Town Operations	\$331,527
Fire Police	\$1,497,116
Estimated Total	\$2,518,972

Estimated Revenue Available
Estimated Projected Expenses
Estimated for Fund Balance

\$4,036,816
\$2,518,972
\$1,517,844



Granville County Board of Elections

122 Williamsboro Street – P.O. Box 83
Oxford, North Carolina 27565-0083
Telephone (919) 693-2515
Fax (919) 690-0245

May 11, 2007

Mr. Jim Wrenn
P.O. Box 247
Oxford, North Carolina 27565

Dear Mr. Wrenn:

The voter registration for the new territory for the Butner Incorporation is 3,390. Therefore, the number of required signatures needed is 509. Pursuant to GS-160A-104, I hereby certify that the attached petition for Butner Incorporation has been checked against the registration records of the Granville County Board of Elections and that 524 names of qualified registered voters were found affixed thereto.

Tonya C. Brunette

Director
Granville County Board of Elections

PUBLIC NOTICE

Please take notice that those citizens seeking to incorporate an area of Granville County to be known as the Town of Butner plan to submit the incorporation petition signed by registered voters of the area to be incorporated to the Joint Legislative Commission on Municipal Incorporations (the "Commission"). This notice will run once per week for two consecutive weeks with the second publication no later than seven days before submitting the petition to the Commission. Any interested person may view a copy of a map of the area proposed to be incorporated, a petition information sheet, a draft charter, and a pro forma budget for the proposed Town of Butner at the law offices of Hopper, Hicks, and Wrenn, LLP at 111 Gilliam Street, Oxford, North Carolina or at Butner Barber and Style Shop at 318 Central Avenue, Butner, North Carolina. This notice is given pursuant to the requirements of N.C.G.S. B120-164(b).

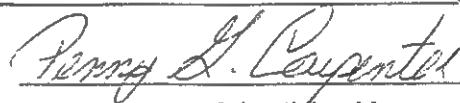
AFFIDAVIT OF PRINTER'S PROOF

NORTH CAROLINA GRANVILLE COUNTY

I, Carpenter, Advertising Manager, of The Butner-
or News, a weekly newspaper published in the
Creedmoor, County of Granville, and State of North
Carolina, do solemnly swear that a Legal Action entitled:
Butner Incorporation Notice

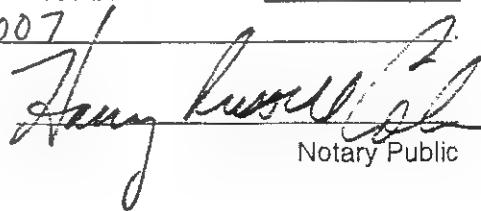
copy of which is made a part of this affidavit, did
publish the said The Butner-Creedmoor News in the
consecutive issues:

May 12 and 19, 2007



Advertising Manager

Sworn to and subscribed before me this 7th
day of May, 2007



Tracy Russell, Notary Public

My commission expires Sept. 11, 2010

NORTH CAROLINA,)

)

GRANVILLE COUNTY.)

Bonnie Critcher, being first duly sworn, says that he is President of the Ledger Publishing Company, Inc., a North Carolina Corporation; publisher of the Oxford Public Ledger, a newspaper published semi-weekly in Granville County, North Carolina; that said newspaper has a general circulation to paid subscribers in Granville County, and has been admitted to the United States mail as second class matter in Oxford, Granville County, North Carolina, that he knows it to be a fact that the attached Notice of Public Notice

Town of Butler Incorporation, was published in said newspaper once a week for two successive weeks beginning with the issue of April 12, 2007 and ending with the issue of April 19, 2007.

Bonnie Critcher

Sworn to and subscribed before me this the 24th day of April 2007.

Kelley E. Edward
Notary Public

My Commission Expires 6-9-2009

Brodie Poole, Mechanic Supervisor,
Reginald Poole; George Poole, U.S.
Army Retired, Rev. Mary Poole-
Leonard, Associate Pastor and
Teacher, Dwayne S. Poole, Regina
Chambers, DMV Administrator,
Brenda Poole, Asst. Principal,
LaRessa Poole, Director of Mental
Health, Patricia Felder, Bank, Vice-
President of Human Resource, Sonja
D. Poole, Guidance Counselor and
your many grandchildren and
great-grandchildren.

We Love You & Happy Birthday

SLUGGING! MAN ENOUGH? SIGN UP NOW ROXBORO NATIONAL GUARD ARMORY FRIDAY & SATURDAY APRIL 27 & 28 • 8:30 PM

To Enter, Sign Up Now At
Advance Ticket Outlets!
Roxboro Athletic Club &
Duncan's Mini Mart

ADV. TKS. \$13 • At Door \$15 • Child \$6

New Homes completed & a wide selection of
custom built home plans available starting in
the \$180's to mid \$300's on 1 to 5 acre lots.
Wide paved streets & underground utilities.

DIRECTIONS: Exit 204 off I85, north on Hwy 96 to
north of Oxford, see signs on left.

PUBLIC NOTICE

Please take notice that those citizens seeking to incorporate an area of Granville County to be known as the Town of Butner plan to submit the incorporation petition signed by registered voters of the area to be incorporated to the Joint Legislative Commission on Municipal Incorporations (the "Commission"). This notice will run once per week for two consecutive weeks with the second publication no later than seven days before submitting the petition to the Commission. Any interested person may view a copy of a map of the area proposed to be incorporated, a petition information sheet, a draft charter, and a pro forma budget for the proposed Town of Butner at the law offices of Hopper, Hicks, and Wrenn, LLP at 111 Gilliam Street, Oxford, North Carolina or at Butner Barber and Style Shop at 318 Central Avenue, Butner North Carolina. This notice is given pursuant to the requirements of N.C.G.S. §120-164(b).

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talks about a
including sutu
Medical Cent

A complement
Dr. Jindal's pr
period. "Mea
Education Clas



1010 College St. Oxford, NC 27565

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TO RESE
AT THE NE

business in 1999 and has been working on projects ever since.

French needed a place for his propagation work, so he de-

NEWSMAN'S NOTEBOOK

Big Ruin Creek Baptist Church will host a musical/worship workshop for Praise Teams, Choirs and church members on Sat. April 21, 9 a.m. - 4 p.m. For info. call 492-8421 or 430-6553.

Tommie and Rosa Daniel Reunion will be held at Enon Community Building on Sun., April 22 at 1 p.m.

Peace's Chapel Revival April 26th-29th, 7 p.m.

The Landmark Quartet will be in concert at Corinth Baptist church on Sunday, April 29th at 7:00 p.m.

United Christian Fellowship Annual Va. Pork Festival June 13th. Call Now for tickets. 919-693-8662, 919-702-2189.

The G.C. Shaw School Reunion will be held June 29-July 1 at the Stovall Shaw Elem. School. For info. contact Carl Roberts 603-485.

The Steering and Action Committees for the Mary Potter High School Reunion 2007 are announcing the beginning phases of the July 2007 Reunion to be held at the Sheraton Imperial in Durham. For info. call 693-8957 or 93-2173.

Granville Medical Center Offers Childbirth Education Classes for Expecting Mothers. For more info. contact Shannon Huff in Community Relations at 919-690-149.

Oxford High School during the period between 1945-1948 Reunion on September 15, 2007. Class '45 Stan Fox 919-693-6516, '47 Rob Jones 252-430-1337, '48 Ken Taylor 919-383-6510. Class of '946 contact any of the above.

Granville Medical Center is sponsoring prepared childbirth education classes. For information on date and times contact Shannon Huff @ 919-690-2149

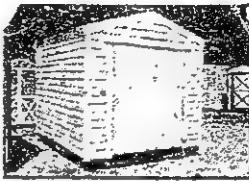
Local Hospice Needs Volun-

PUBLIC NOTICE

Please take notice that those citizens seeking to incorporate an area of Granville County to be known as the Town of Butner plan to submit the incorporation petition signed by registered voters of the area to be incorporated to the Joint Legislative Commission on Municipal Incorporations (the "Commission"). This notice will run once per week for two consecutive weeks with the second publication no later than seven days before submitting the petition to the Commission. Any interested person may view a copy of a map of the area proposed to be incorporated, a petition information sheet, a draft charter, and a pro forma budget for the proposed Town of Butner at the law offices of Hopper, Hicks, and Wrenn, LLP at 111 Gilliam Street, Oxford, North Carolina or at Butner Barber and Style Shop at 318 Central Avenue, Butner North Carolina. This notice is given pursuant to the requirements of N.C.G.S. §120-164(b).

White's Utility Bldgs

Accepted
20 Year
Rust
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Financing Available
8'x12' Wired Shelf
Window Aluminum

\$1,699
(plus tax)

Mon.-Fri. 9-5:30
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www.whitesutilitybuildings.com 2205 North Garnett St.
252-438-3479 Henderson, NC 27536

PARKINSON'S DRUG PERMAX LINKED TO HEART VALVE PROBLEMS

Medical Alert!

On March 29, 2007, the U.S. Food and Drug Administration announced that manufacturers of pergolide drug products, which are used to treat Parkinson's disease, will voluntarily remove these drugs from the market because of the risk of serious damage to patients' heart valves.

The products being withdrawn include Permax and two generic versions of pergolide manufactured by Par and Teva.

If you are taking one of these drugs, consult your doctor about safer alternatives. Your doctor may also suggest an echocardiogram (ultrasound of the heart) to evaluate whether you have suffered any heart valve damage due to the drug.

Protecting Your Legal Rights

If you or a loved one have experienced valvular heart disease or other heart valve problems while taking Permax, you need to protect your legal rights, including your right to compensation for injuries.

Call Greg Martin and the experienced professionals at Martin & Jones today for a free evaluation of your claim.

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SERVICIO EN ESPAÑOL

To contact the
Our Team is ready to help you.

April 23, 2007

Janet Parrott, Mayor
Town of Stovall
P. O. Box 100
Stovall, NC 27582

Dear Mayor Parrott:

Please take notice that those citizens seeking to incorporate an area of Granville County to be known as the Town of Butner (the "Petitioners") plan to submit the incorporation petition signed by the registered voters of the area to be incorporated to the Joint Legislative Commission on Municipal Incorporations (the "Commission"). Pursuant to N.C.G.S. Section 120-164(a), the Petitioners are required to notify each municipality in Granville County and the County Board of Commissioners of their intent to submit the petition, not later than five days before submitting the petition to the Commission.

We are excited about moving the incorporation of the Town of Butner forward. Please let us know if you have any questions. You may contact any of the individuals listed below or our Attorney James C. Wrenn, Jr. of the law firm of Hopper, Hicks, & Wrenn, LLP for additional information.

Sincerely,



Tom Lane

Edgar Smoak

John Winbush

Christine Emory

Elbert Oakley Jr.

Linda Jordan

Vickie Cates

April 23, 2007

Mayor Alvin D. Woodlief
300 Williamsboro Street
Oxford, NC 27565

Dear Mayor Woodlief:

Please take notice that those citizens seeking to incorporate an area of Granville County to be known as the Town of Butner (the "Petitioners") plan to submit the incorporation petition signed by the registered voters of the area to be incorporated to the Joint Legislative Commission on Municipal Incorporations (the "Commission"). Pursuant to N.C.G.S. Section 120-164(a), the Petitioners are required to notify each municipality in Granville County and the County Board of Commissioners of their intent to submit the petition not later than five days before submitting the petition to the Commission.

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Sincerely,



Tom Lane

Edgar Smoak

John Winbush

Christine Emory

Elbert Oakley Jr.

Linda Jordan

Vickie Cates

April 23, 2007

Darryl D. Moss, Mayor
City of Creedmoor
P.O. Box 765
Creedmoor, NC 27522

Dear Mayor Moss:

Please take notice that those citizens seeking to incorporate an area of Granville County to be known as the Town of Butner (the "Petitioners") plan to submit the incorporation petition signed by the registered voters of the area to be incorporated to the Joint Legislative Commission on Municipal Incorporations (the "Commission"). Pursuant to N.C.G.S. Section 120-164(a), the Petitioners are required to notify each municipality in Granville County and the County Board of Commissioners of their intent to submit the petition not later than five days before submitting the petition to the Commission.

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Sincerely,



Tom Lane

Edgar Smoak

John Winbush

Christine Emory

Elbert Oakley Jr.

Linda Jordan

Vickie Cates

April 23, 2007

Mr. Ronald Alligood, Chairman
Granville County Board of Commissioners
P. O. Box 906
Oxford, NC 27565

Dear Mr. Alligood:

Please take notice that those citizens seeking to incorporate an area of Granville County to be known as the Town of Butner (the "Petitioners") plan to submit the incorporation petition signed by the registered voters of the area to be incorporated to the Joint Legislative Commission on Municipal Incorporations (the "Commission"). Pursuant to N.C.G.S. Section 120-164(a), the Petitioners are required to notify each municipality in Granville County and the County Board of Commissioners of their intent to submit the petition not later than five days before submitting the petition to the Commission.

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Sincerely,



Tom Lane

Edgar Smoak

John Winbush

Christine Emory

Elbert Oakley Jr.

Linda Jordan

Vickie Cates

April 23, 2007

Mr. Jackie Day, Mayor
Town of Stem
P.O. Box 182
Stem, NC 27581

Dear Mayor Day:

Please take notice that those citizens seeking to incorporate an area of Granville County to be known as the Town of Butner (the "Petitioners") plan to submit the incorporation petition signed by the registered voters of the area to be incorporated to the Joint Legislative Commission on Municipal Incorporations (the "Commission"). Pursuant to N.C.G.S. Section 120-164(a), the Petitioners are required to notify each municipality in Granville County and the County Board of Commissioners of their intent to submit the petition not later than five days before submitting the petition to the Commission.

We are excited about moving the incorporation of the Town of Butner forward. Please let us know if you have any questions. You may contact any of the individuals listed below or our Attorney James C. Wrenn, Jr. of the law firm of Hopper, Hicks, & Wrenn, LLP for additional information.

Sincerely,



Tom Lane

Edgar Smoak

John Winbush

Christine Emory

Elbert Oakley Jr.

Linda Jordan

Vickie Cates

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

H

D

HOUSE BILL 986*
PROPOSED COMMITTEE SUBSTITUTE H986-PCS80458-LBx-62

Short Title: Butner Incorporation. (Public)

(Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE TOWN OF BUTNER, TO TRANSFER CERTAIN ASSETS PREVIOUSLY HELD BY THE STATE OF NORTH CAROLINA FOR THE TOWN OF BUTNER TO THE NEWLY INCORPORATED TOWN OF BUTNER, AND TO MAKE CONFORMING CHANGES TO PUBLIC LAWS AFFECTING THE BUTNER RESERVATION.

The General Assembly of North Carolina enacts:

SECTION 1. Findings and Purpose. The General Assembly finds as follows:

- (1) The Camp Butner reservation is administered by the Secretary of the Department of Health and Human Services (hereinafter "Secretary") in accordance with the provisions of Article 6 of Chapter 122C of the General Statutes (the Camp Butner reservation is variously referred to, in whole or in part, as the Camp Butner reservation, the Town of Butner, and the Community of Butner and in this act shall be referred to as the "Butner Reservation").
- (2) The Department of Health and Human Services (hereinafter "Department") has long operated the Town of Butner with the Secretary or the Secretary's designee acting as the de facto mayor of the Town of Butner.
- (3) The operation of the Town of Butner is not a core function of the Department, and the Department's mission would not be negatively impacted by the incorporation of the Town of Butner.
- (4) The utilities were transferred to the South Granville Water and Sewer Authority ("SGWASA") pursuant to the provisions of Session Law 2006-159 which also provides that SGWASA shall pay to the Department a sum, indexed to inflation, as set out in that legislation to support the operations of the Butner Reservation including the Town of Butner.

- (5) The citizens of the Town of Butner currently also pay a tax authorized by Section 1 of Chapter 830 of the 1983 Session Laws of twenty-five cents (25¢) per one hundred dollars (\$100.00) valuation of all real and personal property to the Butner Public Safety Division of the Department of Crime Control and Public Safety.
- (6) The customers of the utility have paid for water and sewer over the years, and those payments have also financed the operations of the Town of Butner.
- (7) Certain personal property has been purchased by the Department for use in operating the Butner Reservation and that personal property traditionally used primarily for the benefit of the portion of the Butner Reservation to be incorporated should be transferred by the State to the newly incorporated Town of Butner.

SECTION 1.1. A Charter for the Town of Butner is enacted to read:

"CHARTER OF THE TOWN OF BUTNER.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. Incorporation and Corporate Powers. The inhabitants of the Town of Butner are a body corporate and politic under the name 'Town of Butner.' The Town of Butner has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general laws of North Carolina.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. Town Boundaries. Until modified in accordance with law, the boundaries of the Town of Butner are as shown on a map produced June 12, 2007, by the Granville County Tax Department, and kept on file in the Butner City Hall, the Granville County Planning Department, and in the office of the Granville County Board of Elections. The area within said boundaries shall be in the Town of Butner and in no other municipality.

"Section 2.2. Extraterritorial Jurisdiction. Until modified in accordance with law, the extraterritorial jurisdiction of the Town of Butner under G.S. 160A-360 shall be as shown on a map produced June 12, 2007, by the Granville County Tax Department and kept on file in the Butner Town Hall, the Granville County Planning Department, and in the office of the Granville County Board of Elections.

"Section 2.3. Restrictions on Annexation as to Creedmoor.

(a) The Town of Butner may not annex under Article 4A of Chapter 160A of the General Statutes any territory not shown in its corporate limits or extraterritorial jurisdiction on the map produced June 12, 2007, by the Granville County Tax Department and kept on file in the Butner Town Hall, the Granville County Planning Department, and the Granville County Board of Elections located east of the centerline of Cash Road and south of Interstate 85 without first receiving approval of the City of Creedmoor Board of Commissioners.

(b) For a period of five years following the effective date of the incorporation of the Town of Butner, the Town of Butner may not involuntarily annex under Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes any territory not shown in its corporate limits or extraterritorial jurisdiction on the map produced June 12, 2007 by the

1 Granville County Tax Department and kept on file in the Butner Town Hall, the
2 Granville County Planning Department, and the Granville County Board of Elections
3 located west of the center line of Cash Road and South of Interstate 85 without first
4 receiving approval of the City of Creedmoor Board of Commissioners."

5 **"Section 2.4. Restrictions on Annexation and Extraterritorial Jurisdiction as to
6 the City of Durham."**

7 (a) Notwithstanding the provisions of G.S. 160A-58.1(b)(2) and provided the
8 remainder of the requirements of Part 4 of Article 4A of Chapter 160A of the General
9 Statutes are met, the City of Durham may annex by satellite annexation pursuant to
10 G.S. §160A-58.1, or any successor statute, any territory in Durham County that is closer
11 to the primary corporate limits of the Town of Butner than to the primary corporate
12 limits of the City of Durham. This subsection shall also be considered as part of the
13 Charter of the City of Durham.

14 (b) In addition to any other requirements of law, the Town of Butner may not
15 annex under Article 4A of Chapter 160A of the General Statutes any territory in
16 Durham County, or exercise extraterritorial authority under Article 19 of Chapter 160A
17 of the General Statutes in Durham County, without first receiving approval of the City
18 of Durham, as evidenced by a resolution or ordinance adopted by the City Council.

19 (e) The Town of Butner shall not request any changes in this section of the
20 Charter without first receiving approval of the City of Durham, as evidenced by a
21 resolution or ordinance adopted by the City Council."

22 **"ARTICLE III. GOVERNING BODY.**

23 **"Section 3.1. Structure of the Governing Body; Number of Members.** The
24 governing body of the Town of Butner shall be the Town Council, which shall have six
25 members.

26 **"Section 3.2. Temporary Officers.** (a) Until January 1, 2008, Edgar Smoak is
27 appointed Mayor. At its first regular meeting in December, 2007, the Butner Town
28 Council shall choose from among its membership a Mayor to serve from January 1,
29 2008 through December 31, 2008. At its first regular meeting in December, 2008 the
30 Butner Town Council shall choose from among its membership a Mayor to serve from
31 January 1, 2009 through the organizational meeting after the initial election of 2009.

32 (b) Until the organizational meeting after the initial election of 2009 provided for by
33 Article IV of this Charter, Vicky Cates, Christine Emory, Linda Jordan, Tom Lane,
34 Elbert Oakely, Jr., and John Wimbush are appointed members of the Town Council of
35 the Town of Butner. Edgar Smoak is appointed to the Butner Town Council to serve
36 from January 1, 2008 through the organizational meeting after the initial election of
37 2009 to fill the vacancy caused by a member of the Town Council being chosen as
38 Mayor. The person chosen from the council to serve as Mayor from January 1, 2008
39 through December 31, 2008 is appointed to the Butner Town Council to serve from
40 January 1, 2009 through the organizational meeting after the initial election of 2009.

41 (c) If any person named in this section is unable to serve, the remaining named
42 members of the Town Council shall, by majority vote, appoint a person to serve until
43 the initial election is held.

1 **"Section 3.3. Manner of Electing Council; Term of Office.** The qualified voters of
2 the entire Town shall elect members of the Town Council from the Town at large. The
3 three members elected in 2009 who receive the highest number of votes shall serve
4 four-year terms and the three members elected in 2009 who receive the next highest
5 number of votes shall serve two-year terms. All members elected in 2011 and thereafter
6 shall serve four-year terms. To be eligible for election to the Town Council, an
7 individual must reside in the Town of Butner. Vacancies on the Town Council shall be
8 filled in accordance with G.S. 160A-63.

9 **"Section 3.4. Manner of Electing Mayor; Term of Office; Duties.** The qualified
10 voters of the entire Town shall elect the Mayor in 2009 and biennially thereafter for a
11 term of two years. The Mayor shall attend and preside over meetings of the Town
12 Council, shall advise the Town Council from time to time as to the matters involving the
13 Town of Butner, and only shall have the right to vote as a member of the Town Council
14 on matters before the Town Council when his or her vote is necessary to break a tie.

15 **"Section 3.5. Manner of Electing Mayor Pro Tempore; Term of Office; Duties.**

16 (a) The person serving as vice-chairman of the Butner Advisory Council on the day
17 before the effective date of incorporation shall serve as the Mayor Pro Tempore until
18 January 1, 2008. In December of 2007, the members of the Butner Town Council shall
19 select a Mayor Pro Tempore from the membership of the Town Council to serve from
20 January 1, 2008 through December 31, 2008. In December of 2008, the members of the
21 Butner Town Council shall select a Mayor Pro Tempore from the membership of the
22 Town Council to serve from January 1, 2009 until the organizational meeting after the
23 2009 municipal election.

24 (b) At the organizational meeting after the initial election in November 2009, and
25 biennially thereafter, the Mayor Pro Tempore shall be elected from among the members
26 of the Town Council and shall serve for a term of two years.

27 (c) The Mayor Pro Tempore shall act both in the absence or disability of the Mayor.
28 If the Mayor and the Mayor Pro Tempore are both absent from a meeting of the Town
29 Council, the members of the Town Council present may elect a temporary chairman to
30 preside in the absence. The Mayor Pro Tempore shall have the right to vote on all
31 matters before the Town Council and shall be considered a member of the Town
32 Council for all purposes.

33 **"Section 3.6. Compensation of Mayor and Town Council.** Compensation of the
34 Mayor and members of the Town Council shall be fixed by the Town Council pursuant
35 to the provisions of G.S. 160A-64.

36 "ARTICLE IV. ELECTIONS.

37 **"Section 4.1. Conduct of Town Elections.** Elections shall be conducted on a
38 nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

39 **"Section 4.2. Date of Election.** Elections shall be conducted in accordance with
40 Chapter 163 of the General Statutes, except that the first election is to be held on the
41 statewide date for municipal elections in November 2009.

42 **"Section 4.3. Special Elections and Referenda.** Special elections and referenda
43 may be held only as provided by general law or applicable local acts of the General
44 Assembly.

1 **"ARTICLE V. ORGANIZATION AND ADMINISTRATION.**2 **"Section 5.1. Form of Government.** The Town shall operate under the
3 Council-Manager plan as provided in Part 2 of Article 7 of Chapter 160A of the General
4 Statutes.5 **"ARTICLE VI. TAXES AND BUDGET ORDINANCE.**6 **"Section 6.1. Powers of the Town Council.** The Town Council may levy those
7 taxes and fees authorized by general law.8 **"Section 6.2. Budget.** From and after July 1, 2007, the citizens and property in the
9 Town of Butner shall be subject to municipal taxes levied for the fiscal year beginning
10 July 1, 2007, and, for that purpose, the Town shall obtain from Granville County a
11 record of the property in the area herein incorporated that was listed for taxes as of
12 January 1, 2007. The Town may adopt a budget ordinance for fiscal year 2007-2008
13 without following the timetable in the Local Government Budget and Fiscal Control Act
14 but shall follow the sequence of actions in the spirit of the Act insofar as is practical.
15 For fiscal year 2007-2008, ad valorem taxes may be paid at par or face amount within
16 90 days of adoption of the budget ordinance and thereafter in accordance with the
17 schedule in G.S. 106-360 as if the taxes had been due and payable on September 1,
18 2007.19 **"ARTICLE VII. ORDINANCES.**20 **"Section 7.1. Ordinances.** Except as otherwise provided in this Charter, the Town of
21 Butner is authorized to adopt such ordinances as the Town Council deems necessary for
22 the governance of the Town.23 **"ARTICLE VIII. MISCELLANEOUS.**24 **"Section 8.1. Conflicts of Interest.** Business shall be conducted in accordance with
25 G.S. 14-234 and in accordance with other applicable statutes.26 **"Section 8.2. Provision of Services and Administration of Functions.** The Town
27 Council may enter into agreements with other governmental bodies and private
28 enterprises for the provision of services and the administration of corporate functions in
29 order to provide the services and administer the functions in the most efficient and
30 cost-effective manner."31 **"Section 8.3. Shared Revenues.** For the purpose of allocation of state and local
32 shared revenues during the 2007-2008 fiscal year, including sales tax and Powell Bill
33 funds, the Town of Butner shall be considered to have been incorporated on June 30,
34 2007.35 **SECTION 2.** The incorporation of the Town of Butner by Section 1 of this
36 act and the remaining provisions of this act satisfy the requirement of Section 2(c) of
37 Session Law 2006-159 that the majority of the functions of the Department performed
38 at the Butner Reservation are assumed by a municipal corporation organized pursuant to
39 the laws of the State of North Carolina.40 **SECTION 3.(a)** The Governor shall convey to the incorporated Town of
41 Butner on or before September 1, 2007, all right, title, and interest in all of the personal
42 property used by the Department for the benefit of that portion of the Reservation to be
43 incorporated by this bill in the operation of the Town of Butner including tools,

1 vehicles, lawn mowers, backhoe loaders, and files specific to the operation of the newly
2 incorporated Town of Butner including, but not limited to, the following:

- 3 (1) 1992 Ford Truck, VIN number 1FTEF14Y6NLA85717;
- 4 (2) 2002 Ford F-250, VIN number 1FTNW21F42EC18905;
- 5 (3) 2003 Ford F-250, VIN number 1FTNX21P33EEC90069;
- 6 (4) 2003 Ford F-250, VIN number 1FTNX21PX3EC90070;
- 7 (5) 2003 Ford F-250, VIN number 1FTNX21P13EC90071;
- 8 (6) 2007 International Dump Truck, VIN number
9 1HTWAAAN17J408280;
- 10 (7) Texas Bragg Utility Trailer, number 17XFP1011V1976244;
- 11 (8) Hardee Trailer Tandem, number 1H9ET2148LLD59020;
- 12 (9) 2007 Hudson 9-ton trailer, number 10HHTDID171000022;
- 13 (10) Toro 16HP walk behind mower model 30182, number 30182-690886;
- 14 (11) John Deere Z-TRAK Riding Mower, number TC0777B021014;
- 15 (12) Ford Model 1710 T22 Tractor with mower, number UL11130;
- 16 (13) Massey Ferguson MF481-4 tractor, number BP09020;
- 17 (14) Ford/New Holland Model DR655D backhoe/loader, number A430916;
- 18 (15) Bobcat model 743 Skid-steer loader, number 501939197;
- 19 (16) Hyundai Robex R55-7 mini excavator, number M80111802; and
- 20 (17) Such additional equipment used by the Department primarily for the
21 operation of the Town of Butner as shown on a list of equipment
22 agreed upon by the Department and the interim governing board of the
23 Butner Advisory Council and which is on file with the Secretary and
24 the Chairman of the Butner Advisory Council.

25 **SECTION 3.(b)** On or before December 15, 2007, the Governor shall
26 convey to the incorporated Town of Butner for use for recreation facilities, the
27 preservation of open space, and future development all right, title, and interest in the
28 following real property owned by the State of North Carolina, which property is within
29 the area to be incorporated as the Town of Butner:

- 30 (1) Granville County Tax Parcel # 086501473006, as shown on that
31 certain plat recorded at Plat Book 13, Page 122 of the Granville
32 County Registry and containing 0.6065 acres more or less;
- 33 (2) Granville County Tax Parcel # 086502572428, consisting of 5.79 acres
34 more or less and more particularly described as a strip of land
35 approximately 100.00 in width running parallel to the railroad track off
36 of B Street;
- 37 (3) Granville County Tax Parcel # 086607782896 consisting of 0.54 acres
38 more or less and more particularly described as Lot 2, 12th Street;
- 39 (4) Granville County Tax Parcel # 086607782946, consisting of lot 1 as
40 shown on that certain plat recorded at Plat Book 12, Page 137 of the
41 Granville County Registry;
- 42 (5) Granville County Tax Parcel # 086720719052, consisting of lot 6A as
43 shown on that certain plat recorded at Plat Book 15, Page 23 of the
44 Granville County Registry;

- (6) Granville County Tax Parcel # 087610265136, being a water meter station site approximately 55 feet in length and 25 feet in width off of Gate 2 Road;
- (7) Granville County Tax Parcel # 087606275755, consisting of lot 5 as shown on that certain plat recorded at Plat Book 5, Page 25 of the Granville County Registry;
- (8) Granville County Tax Parcel # 087606276823, consisting of lots 6 and 7 as shown on that certain plat recorded at Plat Book 5, Page 25 of the Granville County Registry;
- (9) Granville County Tax Parcel # 087606287781, being a small lot approximately 25.00 feet in width on the southeast end, 27.00 feet in width on the northwest end, and 155.2 feet in length located off of C Street;
- (10) Granville County Tax Parcel # 087718217623, consisting of that portion of the 30 foot alley owned by the State as shown on that certain plat recorded at Plat Book 3, Page 149 of the Granville County Registry;
- (11) Granville County Tax Parcel # 087718228382, consisting of lot 22-A as shown on that certain plat recorded at Plat Book 16, Page 140 of the Granville County Registry;
- (12) Granville County Tax Parcel # 087718229235, consisting of lot 23-A as shown on that certain plat recorded at Plat Book 16, Page 140 of the Granville County Registry;
- (13) Granville County Tax Parcel # 087718320095, consisting of lot 26-A as shown on that certain plat recorded at Plat Book 17, Page 97 of the Granville County Registry;
- (14) Granville County Tax Parcel # 086608788472, consisting of lot 13 as shown on that certain plat recorded at Plat Book 5, Page 127 of the Granville County Registry;
- (15) Granville County Tax Parcel # 086608785481, consisting of lot 1 as shown on that certain plat recorded at Plat Book 5, Page 127 of the Granville County Registry;
- (16) Granville County Tax Parcel # 086608890153, consisting of lot 7 as shown on that certain plat recorded at Plat Book 7, Page 74 of the Granville County Registry;
- (17) Granville County Tax Parcel # 086608891250, consisting of lot 8 as shown on that certain plat recorded at Plat Book 7, Page 74 of the Granville County Registry;
- (18) Granville County Tax Parcel # 087606396411, consisting of lot 10 as shown on that certain plat recorded at Plat Book 2, Page 118A of the Granville County Registry;
- (19) Granville County Tax Parcel # 086615636355, consisting of lot 4 as shown on that certain plat recorded at Plat Book 4, Page 141 of the Granville County Registry;

- (20) Granville County Tax Parcel # 086615635235, consisting of lot 5 as shown on that certain plat recorded at Plat Book 4, Page 141 of the Granville County Registry;
- (21) Granville County Tax Parcel # 086501487018, consisting of lots 4 and 5 as shown on that certain plat recorded at Plat Book 2, Page 147 of the Granville County Registry;
- (22) Granville County Tax Parcel # 086501499107, consisting of lots 26 and 27 as shown on that certain plat recorded at Plat Book 2, Page 147 of the Granville County Registry;
- (23) Granville County Tax Parcel # 086604501213, consisting of lots 48 and 49 as shown on that certain plat recorded at Plat Book 2, Page 147 of the Granville County Registry;
- (24) That certain tract or parcel of land identified in the Butner Long-Range Master Plan dated December 1998 prepared pursuant to Section 4 of Senate Bill 428, 1997 Session, consisting of 650 acres more or less located in the southern portion of the study area as described in said master plan along 'B' Street and west of 12th, 5th, and 4th Street, and more particularly shown on a map dated March 19, 2007 prepared by Deborah H. Robertson, Registered Forester, for the North Carolina Department of Agriculture, a copy of which is on file with the Town of Butner, the Department of Health and Human Services and the Department of Agriculture. Upon the disposition of said land by the Town of Butner, twenty-five percent (25%) of any sales proceeds shall be retained by the Town of Butner and the remainder of the sales proceeds, if any, shall be paid to the State Treasurer by the Town for deposit in a capital improvement account to the credit of the Department of Health and Human Services as set out in Section 12 hereof. The costs of sale, if any, shall be deducted from the sales proceeds and shall be allocated between the Town and the Department based upon each party's share of the sales proceeds;
- (25) That certain tract or parcel of land identified in the Butner Long-Range Master Plan dated December 1998 prepared pursuant to Section 4 of Senate Bill 428, 1997 Session, consisting of five acres more or less located in the central portion of the study area as described in said master plan along Central Avenue, midway between 'D' Street and 'E' Street and known as the Gazebo area;
- (26) That certain tract or parcel of land identified in the Butner Long-Range Master Plan dated December 1998 prepared pursuant to Section 4 of Senate Bill 428, 1997 Session, consisting of 30 acres more or less located in the central portion of the study area, between 'F' Street and 'G' Street and from 12th Street to Central Avenue; provided, however, that the State shall retain ownership of the portion of said property consisting of 7843.45 square feet (0.18 acres) currently leased by the State to Sprint as shown on that certain map entitled "Site Survey for:

Sprint," prepared by Jim Morrow, Professional Land Surveyor and dated January 9, 2005, and upon which is currently located a cellular telephone tower. It is further provided that this property shall vest in the Town of Butner if said property is no longer leased by the State for use as a communications tower or is no longer used or occupied by the State for State purposes;

(27) That certain tract or parcel of land between 'D' Street and 'E' Street and from 24th Street to 26th Street upon which is located that structure known as the Butner Sports Arena;

(28) That certain building and parcel of land known as Granville County Tax Parcel # 087605091519 located on Central Avenue currently leased by the Department to the Employment Security Commission; provided, however, that such transfer shall be subject to the terms of the existing lease between the Department and the Employment Security Commission;

(29) That certain tract or parcel of land consisting of twenty acres more or less previously designated for use as a ball field for Town of Butner and being that portion of a 83.6892 acre tract shown on a survey titled "Survey for North Carolina Department of Human Resources, Butner, North Carolina," and dated October 23, 1995 by James R. Wilson, Registered Land Surveyor lying northeast of the Wake Electric Management Corporation power line right-of-way as shown on said map;

(30) That certain tract or parcel of land described in Session Law 1997-443 and set aside for the use of the citizens of Butner "until the time . . . that a permanent local government is established on the Butner Reservation at which time the land shall be transferred to the local government." Said tract or parcel of land is more particularly described in said session law as follows: "Approximately 2 acres, on the east side it borders Central avenue with a line running along the Wallace Bradshur property on the north back to the tree line next to the ADATC. From there it follows a tree line south and west to and including the softball field. From the softball field it turns east to the State Employees Credit Union and follows the Credit Union property on the south side back to Central Avenue." In addition thereto, said conveyance is intended to include all property owned by the State, including all alleyways, (except the property occupied by the State Employees Credit Union) bounded on the south by the above described softball field, on the north by Central Avenue, on the west by the property formerly belonging to Wallace Bradsher (now owned by Ronald Alligood) and on the east by West E Street;

(31) That certain portion of the lands owned by the State containing 8.11 acres more or less bordered by G Street, 21st Street, Granville Street,

1 and that certain parcel of land described in the Granville County tax
2 records as Granville County Tax Parcel # 086720900028 to the south;
3 (32) That certain portion of the lands owned by the State beginning at a
4 point in the northeast corner of that parcel of land described in the
5 Granville County tax records as Granville County Tax Parcel #
6 087717029272 and continuing in a straight line from said point
7 northeast in a manner parallel to F Street approximately 1,762.64 feet
8 to a point perpendicular to the southwest corner of the paved surface of
9 25th Street; running thence southeast approximately 227.01 feet to a
10 point being a common corner between Granville County Tax Parcel #
11 087713234113, the subject property, and 25th Street and running
12 thence southwest approximately 235.00 feet to a corner, thence
13 southeast approximately 590.05 feet along the boundaries with
14 Granville County Tax Parcel numbers 087713234113, 087714235047,
15 087714225965, 087714226845, and 087714226762; thence southwest
16 approximately 99.00 feet to a common corner with Granville County
17 Tax Parcel number 087714225529; thence northwest approximately
18 225.00 feet to a corner; thence southwest approximately 560.00 feet to
19 a corner with Granville County Tax Parcel # 087717221306; thence
20 southeast along a common boundary with Granville County Tax Parcel
21 # 087717221306 approximately 225.00 feet to a corner with East F
22 Street; thence southwest approximately 329.00 feet to a common
23 corner with Granville County Tax Parcel # 087717127160 and East F
24 Street; thence northwest approximately 225.00 feet to a common
25 corner with Granville County Tax Parcel # 087717127160; thence
26 southwest approximately 308.32 feet along Granville County Tax
27 Parcel numbers 087717127160, 087717126083, and 087717125071 to
28 a corner; thence northeast approximately 18.00 feet; thence northwest
29 approximately 354.00 feet to a corner with G Street; thence southeast
30 approximately 244.00 feet to a common corner with Granville County
31 Tax Parcel # 087717029272 and G Street; thence northwest
32 approximately 225.00 feet along the boundary of Granville County
33 Tax Parcel # 087717029272 to the point and place of beginning
34 containing 21.9718 acres more or less;
35 (33) Granville County Tax Parcel # 086502592083, consisting of 5.34 acres
36 more or less;
37 (34) Granville County Tax Parcel # 086502592311, consisting of 1.07 acres
38 more or less and more particularly described as Lot 1, West B Street;
39 (35) Granville County Tax Parcel # 086604503159, consisting of 0.47 acres
40 more or less and more particularly described as Lots 48, 49, Block B,
41 B Street;
42 (36) Granville County Tax Parcel # 086604503279, consisting of 0.46 acres
43 more or less and more particularly described as Lots 50, 51, Block B,
44 B Street;

- (37) Granville County Tax Parcel # 086604503379, consisting of 0.44 acres more or less and more particularly described as Lots 52, 53, Block B, B Street;
- (38) Granville County Tax Parcel # 086604503499, consisting of 0.45 acres more or less and more particularly described as Lots 54, 55, Block B, B Street;
- (39) Granville County Tax Parcel # 086604504519, consisting of 0.46 acres more or less and more particularly described as Lots 56, 57, Block B, B Street;
- (40) Granville County Tax Parcel # 086604504638, consisting of 0.45 acres more or less and more particularly described as Lots 58, 59, Block B, B Street;
- (41) Granville County Tax Parcel # 086604504868, consisting of 0.46 acres more or less and more particularly described as Lots 62, 63, Block B, B Street;
- (42) Granville County Tax Parcel # 086604504978, consisting of 0.44 acres more or less and more particularly described as Lots 64, 65, Block B, B Street;
- (43) Granville County Tax Parcel # 086604513433, consisting of 0.48 acres more or less and more particularly described as Lots 72, 73, Block A, B Street;
- (44) Granville County Tax Parcel # 086604515008, consisting of 0.44 acres more or less and more particularly described as Lots 66, 67, Block B, B Street;
- (45) Granville County Tax Parcel # 086604515128, consisting of 0.44 acres more or less and more particularly described as Lots 68, 69, Block B, B Street;
- (46) Granville County Tax Parcel # 086604515258, consisting of 0.44 acres more or less and more particularly described as Lots 70, 71, Block B, B Street;
- (47) Granville County Tax Parcel # 086604515377, consisting of 0.42 acres more or less and more particularly described as Lots 72, 73, Block B, B Street;
- (48) Granville County Tax Parcel # 086604516404, consisting of 0.43 acres more or less and more particularly described as Lots 74, 75, Block B, B Street;
- (49) Granville County Tax Parcel # 086604516533, consisting of 0.42 acres more or less and more particularly described as Lots 76, 77, Block B, B Street;
- (50) Granville County Tax Parcel # 086604516661, consisting of 0.42 acres more or less and more particularly described as Lots 78, 79, Block B, B Street;

- (51) Granville County Tax Parcel # 086604517710, consisting of 0.43 acres more or less and more particularly described as Lots 80, 81, Block B, B Street;
- (52) Granville County Tax Parcel # 086604517870, consisting of 0.43 acres more or less and more particularly described as Lots 82, 83, Block B, B Street;
- (53) Granville County Tax Parcel # 086604518827, consisting of 0.42 acres more or less and more particularly described as Lots 84, 85, Block B, B Street;
- (54) Granville County Tax Parcel # 086604518944, consisting of 0.43 acres more or less and more particularly described as Lots 86, 87, Block B, B Street;
- (55) Granville County Tax Parcel # 086604528092, consisting of 0.43 acres more or less and more particularly described as Lots 88, 89, Block B, B Street;
- (56) Granville County Tax Parcel # 086604528460, consisting of 0.47 acres more or less and more particularly described as Lots 94, 95, Block A, B Street;
- (57) Granville County Tax Parcel # 086604529150, consisting of 0.43 acres more or less and more particularly described as Lots 90, 91, Block B, B Street;
- (58) Granville County Tax Parcel # 086604620117, consisting of 0.44 acres more or less and more particularly described as Lots 92, 93, Block B, B Street;
- (59) Granville County Tax Parcel # 086604620274, consisting of 0.43 acres more or less and more particularly described as Lots 94, 95, Block B, B Street;
- (60) Granville County Tax Parcel # 086604621322, consisting of 0.44 acres more or less and more particularly described as Lots 96, 97, Block B, B Street;
- (61) Granville County Tax Parcel # 086604621399, consisting of 0.44 acres more or less and more particularly described as Lots 98, 99, Block B, B Street;
- (62) Granville County Tax Parcel # 086615623535, consisting of 1.11 acres more or less and more particularly described as Lot 100-103, B Street;
- (63) Granville County Tax Parcel # 086615624652, consisting of 0.44 acres more or less and more particularly described as Lots 104, 105, Block B, B Street;
- (64) Granville County Tax Parcel # 086615625628, consisting of 0.46 acres more or less and more particularly described as Lots 106, 107, Block B, B Street;
- (65) Granville County Tax Parcel # 086615626714, consisting of 0.58 acres more or less and more particularly described as Lots 108, 109, Block B, B Street;

- (66) Granville County Tax Parcel # 086612870444, consisting of 0.46 acres more or less and more particularly described as Lot 3 (Drain Lot), 12th Street;
- (67) Granville County Tax Parcel # 086608870513, consisting of 0.46 acres more or less and more particularly described as Lot 2, 12th Street;
- (68) Granville County Tax Parcel # 086612871305, consisting of 0.46 acres more or less and more particularly described as Lot 4, 12th Street;
- (69) Granville County Tax Parcel # 086608880691, consisting of 0.71 acres more or less and more particularly described as Lot 19, 13th Street;
- (70) Granville County Tax Parcel # 086608880736, consisting of 0.51 acres more or less and more particularly described as Lot 15, F Street;
- (71) Granville County Tax Parcel # 087717027043, consisting of 0.52 acres more or less and more particularly described as Lot 13, G Street;
- (72) Granville County Tax Parcel # 086720919453, consisting of 0.51 acres more or less and more particularly described as Lot 3, G Street;
- (73) Granville County Tax Parcel # 087717010447, consisting of 0.52 acres more or less and more particularly described as Lot 4, G Street;
- (74) Granville County Tax Parcel # 087717011524, consisting of 0.52 acres more or less and more particularly described as Lot 5, G Street;
- (75) Granville County Tax Parcel # 087717012600 consisting of 0.52 acres more or less and more particularly described as Lot 6, G Street;
- (76) Granville County Tax Parcel # 087717012677, consisting of 0.51 acres more or less and more particularly described as Lot 7, G Street;
- (77) Granville County Tax Parcel # 087717013753, consisting of 0.51 acres more or less and more particularly described as Lot 8, G Street;
- (78) Granville County Tax Parcel # 087717014739, consisting of 0.51 acres more or less and more particularly described as Lot 9, G Street;
- (79) Granville County Tax Parcel # 087717015805, consisting of 0.51 acres more or less and more particularly described as Lot 10, G Street;
- (80) Granville County Tax Parcel # 087717015991, consisting of 0.51 acres more or less and more particularly described as Lot 11, G Street;
- (81) Granville County Tax Parcel # 087717016967, consisting of 0.50 acres more or less and more particularly described as Lot 12, G Street;
- (82) Granville County Tax Parcel # 087717028039, consisting of 0.51 acres more or less and more particularly described as Lot 14, G Street;
- (83) Granville County Tax Parcel # 087717029106, consisting of 0.51 acres more or less and more particularly described as Lot 15, G Street;
- (84) Granville County Tax Parcel # 087717029272, consisting of 0.51 acres more or less and more particularly described as Lot 16, G Street;
- (85) Granville County Tax Parcel # 087717110827, consisting of 0.74 acres more or less and more particularly described as Lot 8, G Street;
- (86) Granville County Tax Parcel # 087717111915, consisting of 0.73 acres more or less and more particularly described as Lot 7, G Street;

- (87) Granville County Tax Parcel # 087717122002, consisting of 0.74 acres more or less and more particularly described as Lot 6, G Street;
- (88) Granville County Tax Parcel # 087717123009, consisting of 0.74 acres more or less and more particularly described as Lot 5, G Street; and
- (89) That portion of the property owned by the State of North Carolina bordering Lake Holt consisting of ten acres more or less upon which property is currently located the concession stand/bait shop, enclosed picnic shelter, boat docks, picnic tables, parking area and other recreational facilities currently used by the Town of Butner in support of the recreational use of Lake Holt, together with an easement thereto across the existing access roads from Old Highway 75 to said recreational facilities.
- (90) All other lots, alleyways, and parcels of land one acre or less not currently occupied by the State of North Carolina.

SECTION 3.(c) The Town of Butner may dispose of any of the above described real property by private negotiation and sale and shall specifically be exempt from the provisions of Article 12, Chapter 160A of the General Statutes.

SECTION 3.(d) On or before March 15, 2008, the Governor shall convey to the incorporated Town of Butner for use for recreation, the preservation of open space, protection of the public drinking water supply, and possible future expansion of Lake Holt, a perpetual Conservation Easement pursuant to Article 4 of Chapter 121 of the General Statutes enforceable against the State of North Carolina, without regard to the defense of sovereign immunity or similar doctrines, in and to all land owned by the State of North Carolina (except that portion of the hereinafter described land under use by the National Guard and restricted by a deed provision requiring that said land revert to the ownership of the United States if not used for military purposes, said National Guard property being more particularly described at Deed Book 140, Page 236 of the Granville County Registry) east of Range Road (State Road 1121), south of Roberts Chapel Road, north of Old Highway 75, and west of Range Road (State Road 1126) consisting of 1463 acres more or less surrounding the perimeter of Lake Holt as more particularly described on a map prepared June 18, 2007 by Deborah H. Robertson, Registered Forester, for the North Carolina Department of Agriculture, a copy of which is on file with the Town of Butner, the Department of Health and Human Services and the Department of Agriculture; provided, however, that the State of North Carolina shall not be restricted in its right to use that portion of the above-referenced property currently used by the State for the operation of Camp Barham and Camp Eason as long as such use, which may include the construction of additional improvements, is consistent with such laws, rules, regulations, and ordinances as are or may be in place for the protection of the public drinking supply and that said easement shall not be by its terms inconsistent with the rights given to the South Granville Water and Sewer Authority in that certain Easement and License Agreement dated December 14, 2006 and recorded at Book 1185, Page 291 of the Granville County Registry. Said easement shall prohibit all residential, commercial, and industrial uses in the easement area but shall not limit the State of North Carolina's use of said easement area for agricultural

1 and silvicultural uses, provided said uses are consistent with all laws, rules, regulations,
2 and ordinances governing said uses. There shall be excepted from the above easement
3 area that certain tract or parcel of land consisting of 85 acres more or less and labeled
4 "Proposed NBAF Site" on the above-described map; provided, however, that if said
5 tract or parcel of land is not selected by the United States Department of Homeland
6 Security for use in connection with the National Bio and Agro-Defense Facility project
7 (NBAF Project) within five years of the date hereof, said area shall become subject to
8 the terms of the easement to be granted. If no deed is recorded within five years in the
9 Granville County Registry conveying said tract or parcel of land or some part thereof
10 for use in connection with the above-described project, it shall be conclusively
11 presumed that said tract or parcel of land or part thereof not so conveyed is subject to
12 the terms of the easement herein granted. Said easement also shall grant to the South
13 Granville Water and Sewer Authority and its successors the right to enforce the terms of
14 the easement related to the protection of the public drinking water supply. The Town of
15 Butner shall be allowed the continued use, including the expansion and improvement, of
16 the recreational facilities described in Section 3(b)(89) of this act.

17 **SECTION 3.(e)** The Department of Health and Human Services may
18 contract with the Town of Butner to provide employees, equipment, and material and
19 services for a period not to exceed six months after incorporation and to lease property
20 to the Town of Butner any time after incorporation.

21 **SECTION 3.1.** G.S. 122C-3(3) reads as rewritten:

22 **"§ 122C-3. Definitions.**

23 The following definitions apply in this Chapter:

24 ...

25 (3) "Camp Butner reservation" means the original Camp Butner
26 reservation as may be designated by the Secretary as having been
27 acquired by the State and includes not only areas which are owned and
28 occupied by the State but also those which may have been leased or
29 otherwise disposed of by the State. State, and shall also include those
30 areas within the municipal boundaries of the Town of Butner and that
31 portion of the extraterritorial jurisdiction of the Town of Butner
32 consisting of lands not owned by the State of North Carolina.

33"

34 **SECTION 4.** G.S. 122C-403 reads as rewritten:

35 **"§ 122C-403. Secretary's authority over Camp Butner reservation.**

36 The Secretary shall administer the Camp Butner reservation except (i)
37 those areas within the municipal boundaries of the Town of Butner and (ii) that portion
38 of the Town of Butner's extraterritorial jurisdiction consisting of lands not owned by the
39 State of North Carolina. In performing this duty, the Secretary has the powers listed
40 below. In exercising these powers the Secretary has the same authority and is subject to
41 the same restrictions that the governing body of a city would have and would be subject
42 to if the reservation was a city, unless this section provides to the contrary. The
43 Secretary may:

- (1) Regulate airports on the reservation in accordance with the powers granted in Article 4 of Chapter 63 of the General Statutes.
- (2) Take actions in accordance with the general police power granted in Article 8 of Chapter 160A of the General Statutes.
- (3) Regulate the development of the reservation in accordance with the powers granted in Article 19, Parts 2, 3, 3C, 5, 6, and 7, of Chapter 160A of the General Statutes. The Secretary may not, however, grant a special use permit, a conditional use permit, or a special exception under Part 3 of that Article. In addition, the Secretary is not required to notify landowners of zoning classification actions under G.S. 160A-384, and the protest petition requirements in G.S. 160A-385, and 160A-386 do not apply. apply, but the Secretary shall give the mayor of the Town of Butner at least 14 days' advance written notice of any proposed zoning change. The Secretary may appoint the Butner Planning Council establish a board consisting of three or more persons to act like a Board of Adjustment to make recommendations to the Secretary concerning implementation of plans for the development of the reservation. When acting as a Board of Adjustment, the Butner Planning Council that board shall be subject to subsections (b), (c), (d), (f), and (g) of G.S. 160A-388.
- (4) Establish one or more planning agencies in accordance with the power granted in G.S. 160A-361 or designate the Butner Planning Council as the planning agency for the reservation. G.S. 160A-361.
- (5) Regulate streets, traffic, and parking on the reservation in accordance with the powers granted in Article 15 of Chapter 160A of the General Statutes.
- (6) Control erosion and sedimentation on the reservation in accordance with the powers granted in G.S. 160A-458 and Article 4 of Chapter 113A of the General Statutes.
- (7) Contract with and undertake agreements with units of local government in accordance with the powers granted in G.S. 160A-413 and Article 20, Part 1, of Chapter 160A of the General Statutes.
- (8) Regulate floodways on the reservation in accordance with the powers granted in G.S. 160A-458.1 and Article 21, Part 6, of Chapter 143 of the General Statutes.
- (8a) Act on resolutions adopted by the council pursuant to G.S. 122C-413.1(a). If the Secretary approves the resolution, it shall be carried out by the Butner Town Manager. The Secretary shall have no more than 30 days during which to disapprove any recommendation of the council contained in the resolution. Any disapproval shall be in writing, stating the reasons for the disapproval, and shall be returned to the council. If the Secretary does not disapprove a recommendation of the council within the prescribed period, the recommendation shall be

deemed approved by the Secretary and shall be carried out by the Butner Town Manager.

(9) Assign duties given by the statutes listed in the preceding subdivisions to a local official to the Butner Town Manager. Secretary's designee.

(9a) Select the Butner Town Manager from the candidates submitted by the council pursuant to G.S. 122C-413.1(b). The Butner Town Manager shall serve at the pleasure of the Secretary. The Secretary shall, through the Butner Town Manager, provide all necessary administrative assistance to the council in carrying out its duties.

(10) Adopt rules to carry out the purposes of this Article."

SECTION 5. G.S. 122C-405 reads as rewritten:

"§ 122C-405. Procedure applicable to rules.

Rules adopted by the Secretary under this Article shall be adopted in accordance with the procedures for adopting a city ordinance on the same subject, shall be subject to review in the manner provided for a city ordinance adopted on the same subject, and shall be enforceable in accordance with the procedures for enforcing a city ordinance on the same subject. Violation of a rule adopted under this Article is punishable as provided in G.S. 122C-406.

Rules adopted under this Article may apply to part or all of the Camp Butner reservation, except those areas within the municipal boundaries of the Town of Butner and that portion of the Town of Butner's extraterritorial jurisdiction consisting of lands not owned by the State of North Carolina. If a public hearing is required before the adoption of a rule, the Butner Planning Council shall conduct the hearing, the Secretary shall designate one or more employees of the Department to conduct the hearing. The Butner Town Council shall receive at least 14 days' advance written notice of any public hearing with all correspondence concerning such public hearings to be directed to the mayor of the Town of Butner and sent by certified mail, return receipt requested, or equivalent delivery service to Butner Town Hall."

SECTION 6. G.S. 122C-407 reads as rewritten:

"§ 122C-407. Water and sewer system.

(a) The Department may acquire, construct, establish, enlarge, maintain, operate, and contract for the operation of a water supply and distribution system and a sewage collection and disposal system for the Camp Butner reservation, and may enter into such contracts, memoranda of understanding, and other agreements with other persons or entities, including, but not limited to, local governments, authorities, and private enterprises, reasonably necessary to extend or otherwise provide water and sewer service to any portion of the Camp Butner reservation.

(b) ~~These water and sewer systems~~ Those things authorized by subsection (a) of this section may be operated for the benefit of persons and property within the Camp Butner reservation and areas outside the reservation within reasonable limitations specifically including any ~~sanitary district or city district~~, water and sewer authority, county water and sewer district, or municipality in Durham or Granville Counties.

(c) The Secretary may fix and enforce water and sewer rates and charges in accordance with G.S. 160A-314 as if it were a city."

1 **SECTION 7.** G.S. 122C-408 reads as rewritten:

2 **"§ 122C-408. Butner Public Safety Division of the Department of Crime Control**
3 **and Public Safety; jurisdiction; fire and police district.**

4 (a) The Secretary of Crime Control and Public Safety may employ special police
5 officers for the territory of the Butner-Advisory Council Jurisdiction Reservation. The
6 Secretary of Crime Control and Public Safety shall contract with the Town of Butner to
7 provide fire and police protection to those areas within the incorporated limits of the
8 Town of Butner. The territorial jurisdiction of these speacial police officers shall be the
9 Butner Advisory Council Jurisdiction, as defined in G.S. 122C-413(a). The territorial
10 jurisdiction of these officers shall consist of the property shown on a map produced May
11 20, 2003, by the Information Systems Division of the North Carolina General Assembly
12 and kept on file in the office of the Butner Town Manager and in the office of Director
13 of the Butner Public Safety Division of the Department of Crime Control and Public
14 Safety and such additional areas which are within the incorporated limits of the Town of
15 Butner as shown on a map to be kept in the office of the Butner Town Manager and in
16 the office of Director of the Butner Public Safety Division of the Department of Crime
17 Control and Public Safety. The Secretary of Crime Control and Public Safety may
18 organize these special police officers into a public safety department for that territory
19 and may establish it as a division within that principal department as permitted by
20 Chapter 143B of the General Statutes.

21 (b) After taking the oath of office required for law-enforcement officers, the
22 special police officers authorized by this section shall have the authority of deputy
23 sheriffs of Durham and Granville Counties in those counties respectively. Within the
24 territorial jurisdiction stated in subsection (a) of this section, the special police officers
25 have the primary responsibility to enforce the laws of North Carolina Carolina, the
26 ordinances of the Town of Butner, and any rule applicable to that territory the Butner
27 Reservation adopted under authority of this Part or under G.S. 143-116.6 or
28 G.S. 143-116.7 or under the authority granted any other agency of the State and also
29 have the powers set forth for firemen in Articles 80, 82 and 83 of Chapter 58 of the
30 General Statutes. Any civil or criminal process to be served on any individual confined
31 at any State facility within the territorial jurisdiction described in subsection (a) of this
32 section shall be forwarded by the sheriff of the county in which the process originated to
33 the Director of the Butner Public Safety Division. Special police officers authorized by
34 this section shall be assigned to transport any individual transferred to or from any State
35 facility within the territorial jurisdiction described in subsection (a) of this section to or
36 from the psychiatric service of the University of North Carolina Hospitals at Chapel
37 Hill.

38 (c) The contract between the Town of Butner and the Department of Crime
39 Control and Public Safety shall provide that:

40 (1) The Butner Public Safety Division of the Department of Crime Control
41 and Public Safety shall provide the same level of service to the
42 incorporated area known as the Town of Butner as provided to those
43 areas of the Town of Butner served by Butner Public Safety on
44 January 1, 2007;

(2) The Town of Butner shall pay to the State Treasurer, on or before May 1 of each year, for deposit in the General Fund an amount equal to the amount that actually would have been collected from real and personal property ad valorem taxes due January 5, 2007, in the area incorporated as the Town of Butner effective July 1, 2007, assuming a tax of twenty-five cents (25¢) per one hundred dollars (\$100.00) valuation of all real and personal property in said area increased effective July 1 of each year by the increase in the percentage change in the Consumer Price Index published by the U.S. Department of Labor, Bureau of Labor Statistics, for the southeast region, all urban consumers (or if that data shall no longer be available, the closest equivalent substitute then in publication by the United States Government) for the previous year ended December 31st;

(3) If additional areas are added to the incorporated limits of the Town of Butner, the payments due under the contract shall be increased by an amount equal to the amount that actually would have been collected from real and personal property ad valorem taxes due January 5 of the year of incorporation of such area if said incorporation occurs on or before May 1 or the amount collected for the preceding year if said incorporation occurs prior to May 1 of the then current year assuming a tax of twenty-five cents (25¢) per one hundred dollars (\$100.00) valuation of all real and personal property in said area and increased yearly as set out above; and

(4) The Town of Butner and the Department of Crime Control and Public Safety may by mutual agreement modify the amounts required to be paid by the Town of Butner pursuant to subdivisions (2) and (3) of this subsection."

SECTION 8. G.S. 122C-409 reads as rewritten:

§ 122C-409. Community of Butner comprehensive emergency management plan.

The Department of Crime Control and Public Safety shall establish an emergency management agency as defined in G.S. 166A-4(2) for the Community of Butner and the Camp Butner reservation, Reservation, and the Town of Butner."

SECTION 9. G.S. 122C-410 reads as rewritten:

"§ 122C-410. Authority of county or city over Camp Butner reservation; zoning jurisdiction by Town of Butner over State lands.

(a) A municipality other than the Town of Butner may not annex territory extending into or extend its extraterritorial jurisdiction into the Camp Butner reservation without written approval from the Secretary and the Butner Town Council of each proposed annexation or extension. The Town of Butner may not annex territory extending into or extend its extraterritorial jurisdiction into those portions of the Camp Butner reservation owned by the State of North Carolina without written approval from the Secretary of each proposed annexation or extension. The procedures, if any, for withdrawing approval granted by the Secretary to an annexation or extension of extraterritorial jurisdiction shall be stated in the notice of approval.

1 (b) A county ordinance may apply in part or all of the Camp Butner reservation
2 (other than areas within the Town of Butner) if the Secretary gives written approval of
3 the ordinance, except that ordinances adopted by a county under Article 18
4 of Chapter 153A of the General Statutes may not apply in the extraterritorial jurisdiction
5 of the Town of Butner without approval of the Butner Town Council. The Secretary
6 may withdraw his approval of a county ordinance by giving written notification, by
7 certified mail, return receipt requested, to the county. A county ordinance ceases to be
8 effective in the Camp Butner reservation 30 days after the county receives the written
9 notice of the withdrawal of approval. This section does not enhance or diminish the
10 authority of a county to enact ordinances applicable to the Town of Butner and its
11 extraterritorial jurisdiction.

SECTION 10. Part 1B of Article 6 of Chapter 122C of the General Statutes
(Butner Advisory Council) is repealed.

SECTION 11. Article 6 of Chapter 122C of the General Statutes is amended by adding a new part to read:

"Part 1D. Butner Commissions.

36 "§ 122C-414. Butner Fire and Police Commission.

37 (a) There is created a Butner Fire and Police Commission to consist of seven
38 members, to be appointed in accordance with this section.

39 (b) The Butner Fire and Police Commission shall consist of seven members,
40 three appointed by the Town of Butner, two appointed by the Secretary, one appointed
41 by the Secretary of Crime Control and Public Safety, and one appointed by the
42 Granville County Board of Commissioners. All members appointed by the Town of
43 Butner shall reside within the Town of Butner or its extraterritorial jurisdiction or the
44 Butner Reservation. All members appointed by the Secretary or the Secretary of Crime

1 Control and Public Safety shall either work at or have responsibility for one of the
2 State-run institutions located within the Butner Reservation or shall reside within the
3 Town of Butner and its extraterritorial jurisdiction or the Butner Reservation. The
4 Director of the Butner Public Safety Division of the Department of Crime Control and
5 Public Safety shall serve as an ex officio member of the Butner Fire and Police
6 Commission. No active member of the Butner Public Safety Division of the Department
7 of Crime Control and Public Safety may serve on the Butner Fire and Police
8 Commission.

9 (c) The Butner Fire and Police Commission has the following duties and
10 responsibilities:

- 11 (1) To periodically review, and recommend changes to, the operational
12 policy for the Butner Public Safety Division of the Department of
13 Crime Control and Public Safety.
- 14 (2) To consult with the Secretary of the Department of Crime Control and
15 Public Safety in the Department's hiring of the Director of the Butner
16 Public Safety Division of the Department of Crime Control and Public
17 Safety. Such consultation shall include, but not be limited to, the
18 Commission reviewing and providing its comments to the Secretary of
19 the Department of Crime Control and Public Safety on the credentials
20 of the applicants for said position. In performing its functions under
21 this subsection, the Commission members shall have the same access
22 to the applicants' personnel records pursuant to Article 7, Chapter 126
23 of the General Statutes as the Secretary of the Department of Crime
24 Control and Public Safety and shall be subject to the same restraints
25 concerning the personnel information as set out in said article
- 26 (3) To review and make recommendations to the Secretary of Crime
27 Control and Public Safety concerning the recommended needs of the
28 Butner Public Safety Division of the Department of Crime Control and
29 Public Safety.
- 30 (4) To receive and forward citizen complaints received by the
31 Commission concerning the Butner Public Safety Division of the
32 Department of Crime Control and Public Safety to the Director of the
33 Butner Public Safety Division of the Department of Crime Control and
34 Public Safety and the Secretary of the Department of Crime Control
35 and Public Safety as the Commission determines is appropriate.
- 36 (5) To perform all such other functions assigned to it by the General
37 Assembly or the Secretary of the Department of Crime Control and
38 Public Safety.

39 (d) The members of the Butner Fire and Police Commission shall be appointed
40 within 30 days after the effective date of incorporation of the Town of Butner. One
41 member appointed by the Town of Butner, one member appointed by the Secretary, and
42 the member appointed by the Granville County Board of Commissioners shall serve an
43 initial term of two years. The remainder of the members shall serve an initial term of

1 four years. The beginning date of each initial term for the purposes reappointment shall
2 be September 1, 2007. Thereafter each member shall serve a term of four years.

3 **§ 122C-415. Butner Lands Commission.**

4 (a) There is created a Butner Lands Commission to consist of nine members, to
5 be appointed in accordance with this section.

6 (b) The Butner Lands Commission shall consist of nine members, two appointed
7 by the Town of Butner, two appointed by Granville County, two appointed by the
8 Secretary, one appointed by the Commissioner of the North Carolina Department of
9 Agriculture and Consumer Services, one appointed by the Secretary of Commerce, and
10 one appointed by the Governor on or before September 1, 2007. The Butner Lands
11 Commission shall make recommendations to the Governor on or before September 1,
12 2008, concerning:

13 (1) Land owned by the State of North Carolina in the Butner Reservation
14 that may be well suited to the creation of a mega-site business and
15 industrial park.

16 (2) Land owned by the State of North Carolina that should be released for
17 private commercial and residential development.

18 (3) The use of other lands within the Butner Reservation that will promote
19 agricultural research and development, the development and growth of
20 State institutions, and the preservation of natural lands."

21 **SECTION 12.** G.S. 146-30(c) reads as rewritten:

22 "(c) The amount or rate of such service charge shall be fixed by rules and
23 regulations adopted by the Governor and approved by the Council of State, but as to any
24 particular sale, lease, rental, or other disposition, it shall not exceed ten percent (10%) of
25 the gross amount received from such sale, lease, rental, or other disposition.
26 Notwithstanding any other provision of this Subchapter, the net proceeds derived from
27 the sale of land or products of land owned by or under the supervision and control of the
28 Wildlife Resources Commission, or acquired or purchased with funds of that
29 Commission, shall be paid into the Wildlife Resources Fund. Provided, however, the net
30 proceeds derived from the sale of land or timber from land owned by or under the
31 supervision and control of the Department of Agriculture and Consumer Services shall
32 be deposited with the State Treasurer in a capital improvement account to the credit of
33 the Department of Agriculture and Consumer Services, to be used for such specific
34 capital improvement projects or other purposes as are provided by transfer of funds
35 from those accounts in the Capital Improvement Appropriations Act. Provided further,
36 the net proceeds derived from the sale of park land owned by or under the supervision
37 and control of the Department of Environment and Natural Resources shall be deposited
38 with the State Treasurer in a capital improvement account to the credit of the
39 Department of Administration to be used for the purpose of park land acquisition as
40 provided by transfer of funds from those accounts in the Capital Improvement
41 Appropriations Act. In the Capital Improvement Appropriations Act, line items for
42 purchase of park and agricultural lands will be established for use by the Departments of
43 Administration and Agriculture. The use of such funds for any specific capital
44 improvement project or land acquisition is subject to approval by the Director of the

1 Budget. No other use may be made of funds in these line items without approval by the
2 General Assembly except for incidental expenses related to the project or land
3 acquisition. Additionally with the approval of the Director of the Budget, either
4 Department may request funds from the Contingency and Emergency Fund when the
5 necessity of prompt purchase of available land can be demonstrated and funds in the
6 capital improvement accounts are insufficient. Provided further, the net proceeds
7 derived from the sale of any portion of the land owned by the State in or around the
8 ~~unincorporated area known as Butner Reservation~~ on or after July 1, 1980, shall be
9 deposited with the State Treasurer in a capital improvement account to the credit of the
10 Hospital to provide water and sewers and to bring those streets in the unincorporated
11 area known as Butner ~~not on the State highway system up to standards adequate for~~
12 ~~acceptance on the system, Department of Health and Human Services to make capital~~
13 ~~improvements on or to property owned by the State in the Butner Reservation according~~
14 ~~to a plan adopted by the Department of Administration, and subject to approval by~~
15 ~~Office of State Budget and Management, with the approval of the Board of County~~
16 ~~Commissioners of Granville County, and may be used to build industrial access roads~~
17 ~~to industries located or to be located on the Butner Reservation, on the Butner lands, to~~
18 ~~construct new city streets on the Butner lands, in the Butner Reservation, extend water~~
19 ~~and sewer service on the Butner lands, Reservation, and repair storm drains on the~~
20 ~~Butner lands Reservation, and for other capital uses on the Reservation as determined~~
21 ~~by the Secretary.~~"

22 **SECTION 13.** G.S. 136-41.1(c) reads as rewritten:

23 "(c) Notwithstanding the provisions of subsections (a) and (b) of this section and
24 of G.S. 136-41.2, the unincorporated area known as Butner qualifies in all respects for
25 allocation of funds under this section and certification of the population and street
26 mileage of Butner by the North Carolina Department of Health and Human Services is
27 acceptable. Funds allocated to the area for this purpose shall be administered by the
28 Butner Town Manager. Any funds allocated to the unincorporated area known as the
29 Butner Reservation shall be transferred to the Town of Butner."

30 **SECTION 14.** Section 1 of Chapter 830 of the 1983 Session Laws reads as
31 rewritten:

32 "Section 1.(a) The territorial jurisdiction of the Butner Police and Fire Protection
33 District shall include: (i) any property formerly a part of the original Camp Butner
34 reservation, including both those areas currently owned and occupied by the State and
35 its agencies and those which may have been leased or otherwise disposed of by the
36 State; (ii) the Lyons Station Sanitary District; and (iii) that part of Granville County
37 adjoining the Butner reservation and the Lyons Station Sanitary District situated north
38 and west of the intersection of Rural Paved Roads 1103 and 1106 and bounded by those
39 roads and the boundaries of said reservation and said sanitary district, ~~district, provided,~~
40 ~~however, that those portions of said lands within the corporate limits of the Town of~~
41 ~~Butner are removed from the Butner Police and Fire Protection District for the purposes~~
42 ~~hereof."~~"

43 **SECTION 15.** This act is effective when it becomes law.

**Assessment of Petition
by
Town of Butner
(Granville County)
for
Incorporation**

Relative to NC G.S. 120-163 and NC G.S. 120-164

**North Carolina Department of Commerce
Division of Community Assistance**

Division of Community Assistance staff has reviewed the petition for incorporation from the proposed Town of Butner as it relates to NC G.S. 120-163 and NC G.S. 120-164. These sections of the General Statutes refer to the petition and notification requirements.

G.S. 120-163 (a) requires that a petition be signed by 15% of the registered voters (but by not less than 25 voters) of the area asking for incorporation. The proposed Town of Butner has submitted a petition with the required signatures.

G.S. 120-163 (b) requires that “the petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt.” G.S. 120-163 (d) requires that the petitioners must present to the Commission the verified petition from the county board of elections. The Granville County Board of Elections has verified the Town of Butner petition.

G.S. 120-163 (c) requires that the petition must include a number of items. These are:

- A proposed name for the city. The petition of the Town of Butner does include a proposed name.
- A map of the city. The petition of the Town of Butner does include a map.
- A list of proposed services to be provided by the proposed municipality. The petition of the Town of Butner does include a list of proposed services.
- The names of three persons to serve as interim governing board. The petition of the Town of Butner includes the names of three persons to serve as an interim council.
- A proposed charter. The petition of the Town of Butner does include a proposed charter.
- A statement of the estimated population and population density. The petition of the Town of Butner does include a statement of the estimated population and population density.
- Assessed valuation. The petition of the Town of Butner does include an estimate of assessed valuation.
- Degree of development. The petition of the Town of Butner does include a statement on the degree of development.
- Recommendations as to form of government and manner of election. The petition of the Town of Butner does include recommendations as to form of government and manner of election.

According to G.S. 120-163, the proposed municipality may not contain any non-contiguous areas. According to an examination of the map presented with the petition, the proposed Town of Butner does not contain any non-contiguous areas.

According to G.S. 120-164, not later than five days before submitting the petition to the Commission, the petitioners shall notify:

- (1) The board or boards of county commissioners of the county or counties where the proposed municipality is located.
- (2) All cities within that county or counties.
- (3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the Commission.

The petition included copies of the notification letters to Granville County, all municipalities within Granville County, and all municipalities within five (5) miles of the proposed village. Therefore, all required notification letters were sent.

According to G.S. 120-164, ‘the petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the Commission, notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the Commission.’

The notice was published in Butner-Creedmoor News newspaper for two successive weeks beginning April 1, 2007. An affidavit of publication were included in the petition.

**Assessment of Petition
By
Town of Butner
(Granville County)
For
Incorporation**

Relative to NC G.S. 120-166.

**North Carolina Department of Commerce
Division of Community Assistance**

Division of Community Assistance staff has reviewed the petition for incorporation from Butner as it relates to NC G.S. 120-166. That section of the General Statute refers to the nearness of the proposed new Town of Butner to other municipalities. Part (a) of that section sets criteria based on the nearness of the proposed new Butner to existing municipalities and their respective populations. Note that the General Statute requires that the population values be in accordance with the most recent decennial federal census or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census. These relationships are presented in the following table.

Critical Distance	Population of Neighboring Municipality
1 mile	5,000 to 9,999
3 miles	10,000 to 24,999
4 miles	25,000 to 49,999
5 miles	50,000 and over

The town of Creedmoor (pop. 2232) is within 1 mile of the proposed municipality but does not meet the population threshold. The Town of Stem (pop. 229) is within 3 miles of the proposed municipality but does not meet the population threshold. The city of Durham (pop 187,035) is within 5 miles of Butner and exceeds the population threshold. No other nearby municipality falls within the population and distance thresholds set in G.S. 120-166(a).

The propose municipality on an island so the provisions of GS 120-166(b) (1) does not apply. The proposed municipality is not separated from Durham by a major river or other natural barrier such that the provision of municipal service would not be feasible, therefore the provisions of GS 120-166(b) (2) does not apply. There has been no evidence that at least 50 percent of the proposed municipal boundary has petitioned for annexation by Durham, therefore the provisions of GS 120-166(b) (4). The petitioners has submitted a copy of a resolution by the City of Durham expressing approval of incorporation of the Town of Butner subject to certain conditions being specified in its charter.

The Commission is not precluded from making a positive recommendation on the petition for incorporation relative to the proposed Town of Butner subject to the conditions outlined in the City of Durham's resolution expressing its approval of incorporation as provided under NC G.S. 120-166(b)(3).

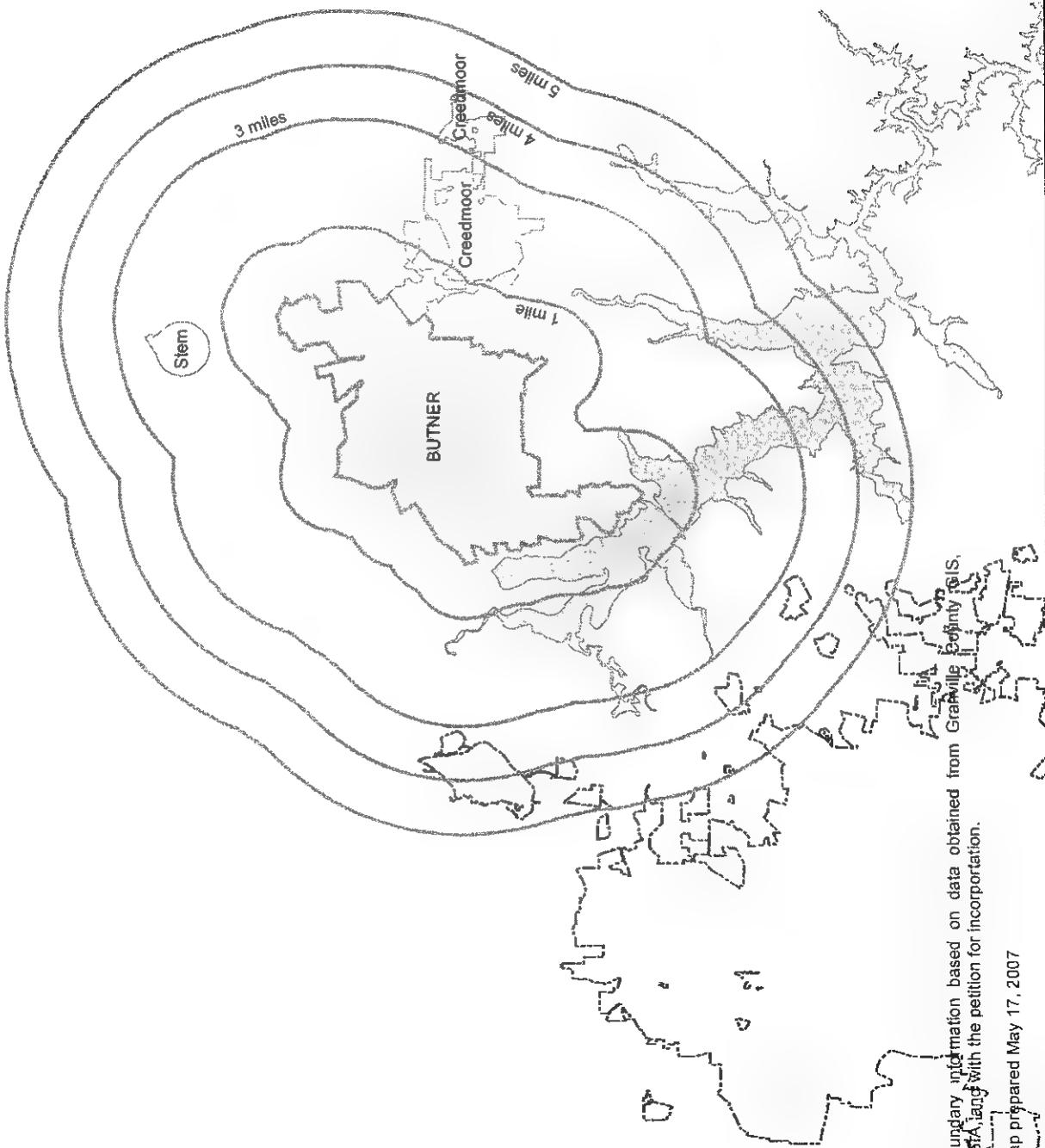
Information sources: The foregoing assessment was based on information contained in the petition, and GIS data provided by the Granville County Mapping Department and CGIA. A buffer analysis (an ArcGIS® utility) was performed on the proposed boundary that was presented on the map attached to the petition. The 2000 Census population values were retrieved from the NC Office of State Budget and Management, State Demographics web site (<http://demog.state.nc.us/>).

Note: 1

§ 120-166. Additional criteria; nearness to another municipality.

- (a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.
- (b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:
 - (1) The proposed municipality is entirely on an island that the nearby city is not on;
 - (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;
 - (3) The nearby municipality by resolution expresses its approval of the incorporation; or
 - (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1989 (Reg. Sess., 1990), c. 1024, s. 25.)

Bunter Nearness to Another Municipality



RESOLUTION IN SUPPORT OF THE INCORPORATION OF BUTNER, WITH CONDITIONS

BE IT RESOLVED, by the City of Durham as follows:

WHEREAS, bills have been introduced in both the North Carolina House of Representatives and the North Carolina Senate seeking to incorporate a portion of Granville County to be known as the Town of Butner;

WHEREAS, the Town of Butner, a part of the Camp Butner Reservation, has operated for many years under the management of the North Carolina Department of Health and Human Services;

WHEREAS, the area proposed to be incorporated includes that portion of the Camp Butner Reservation already known as the Town of Butner and certain other unincorporated areas of Granville County;

WHEREAS, none of the areas to be incorporated are within Durham County; and

WHEREAS, the interests of the City of Durham can be protected through amendments to Butner's Charter and other statutory enactments.

NOW, THEREFORE, let it be resolved as follows:

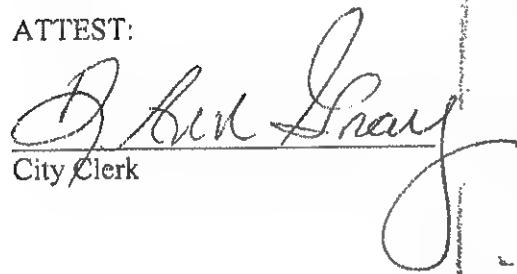
That the City of Durham supports the incorporation of the Town of Butner provided that the City of Durham's interests are sufficiently protected through the following measures, or equivalent measures acceptable to the City:

1. That the Charter of the proposed incorporated Butner be amended to state that, with regard to the application of GS 160A-58.1(b2), or any successor statute regarding satellite annexations, Butner consents to the annexation by the City of Durham of areas within Durham County that are further from Durham than they are from Butner and thus prohibited under GS 160A-58.1(b)(2) in the absence of an annexation agreement, and that this consent shall be considered an "annexation agreement" between Butner and the City of Durham pursuant to Part 6 of NCGS 160A, Article 4A, Part 6, without the necessity of a formal written agreement;
2. That the Charter of the proposed incorporated Butner be amended to state that Butner shall not annex property within Durham County or exercise extraterritorial authority within Durham County without the express written consent of the City of Durham, as evidenced through a resolution adopted by the Durham City Council;
3. That the Charter of the proposed incorporated Butner shall be amended to state that no change to the previously described Charter provisions relating to the City of Durham shall be made without the express consent of the City of Durham, as evidenced by a resolution adopted by the Durham City Council;

4. That the Town Council or other governing body of Butner consents to the enactment of appropriate conforming changes to Durham's Charter without the necessity of further approval or formal action.

Upon motion by Council Member Woodard and seconded by Mayor Pro Tempore Cole-McFadden, the foregoing Resolution was adopted by the Durham City Council during a meeting of the Council on the 24th day of May, 2007, by a vote of 7 voting for and 0 against.

ATTEST:


John Gray
City Clerk

CITY OF DURHAM

By

John Gray
Mayor



**Assessment of Petition
by
Town of Butner
(Granville County)
for
Incorporation**

**Relative to NC G.S. 120-167
through NC G.S. 120-170**

**North Carolina Department of Commerce
Division of Community Assistance**

Division of Community Assistance (DCA) staff has reviewed the petition for incorporating the Town of Butner relative to NC G.S. 120-167 through G.S. 120-170. The following discussion addresses each of these sections of the General Statutes.

NC G.S. 120-167 Additional criteria; population.

NC G.S. 120-167 refers to population and requires that the permanent population must be at least 100 and a population density (either permanent or seasonal) of at least 250 persons per square mile. The Granville County Board of Elections determined there are 3,390 registered voters living in the proposed Town of Butner, exceeding the required minimum permanent population. The Division of Community Assistance performed a land use survey of the subject area, identifying 2350 dwelling units. The 2000 US Census Bureau data estimates an average of 2.46 persons per household for Dutchville Township, which encompasses the propose Town of Butner and a housing vacancy rate of 5.9 percent. This suggests that at least 5,440 persons are likely to reside in a total land area of 13.737 square miles. DCA has calculated Butner's total population density at 396 persons per square mile. It appears that NC G.S. 120-167 is satisfied.

NC G.S. 120-168 Additional criteria; development.

NC G.S. 120-168 refers to development and requires that at least 40 percent of the area must be "developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants." (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

DCA used a land use survey combined with an analysis of available county tax information and aerial photographs to determine the degree of development. The survey considered parcels as "developed" if they had land use characteristics that were residential, commercial, institutional or governmental, industrial, or dedicated open spaces. Vacant parcels, forested parcels, or agricultural parcels were considered "undeveloped."

DCA's analysis indicated that 40.48 percent of the subject area, as presently proposed, is developed (see Table 1 and Map A). It appears that NC G.S. 120-168 is satisfied.

Table 1:
Development Relative to NC G.S. 120-168

Land Use	Acres
Commercial/Industrial	1,120.22
Institutional/Governmental	693.39
Residential	1,405.86
Open space	9.34
Undeveloped	4,746.79
Total acreage	7,975.61
Total Developed Acreage	3,228.82
% Developed	40.48%

NC G.S. 120-169 Additional criteria; area unincorporated.

NC G.S. 120-169 requires that none of the area proposed for incorporation may be included within the boundary of another incorporated municipality. DCA compared the proposed boundary for the Town of Butner with the most recently updated Granville County (GIS) data as well as the North Carolina Department of Transportation (GIS) data and found no evidence that any of the subject area is part of an incorporated municipality. It appears that NC G.S. 120-169 is satisfied.

NC G.S. 120-169.1 Additional criteria; services.

NC G.S. 120-169.1(b) requires that the area to be incorporated submit a plan for providing a reasonable level of municipal services. To meet the requirements of this section, the persons submitting the plan for incorporation must propose to provide at least four of the following services:

- 1) Police protection.
- 2) Fire protection.
- 3) Solid waste collection or disposal.
- 4) Water distribution.
- 5) Street maintenance.
- 6) Street construction or right-of-way acquisition.
- 7) Street lighting.
- 8) Zoning.

The proposed Town of Butner has submitted a sufficient plan for providing four out of eight of the above services. Butner will provide police protection, fire protection, street maintenance, street lighting, and zoning. Police protection and fire protection will be provided by contract with Butner Public Safety (NC Dept. of Crime Control and Public Safety). Street maintenance, street lighting, and zoning will be provided by the Town. It appears that NC G.S. 120-169.1(b) is satisfied.

NC G.S. 120-170 Findings as to services.

NC G.S. 120-170 requires that the proposed municipality can provide, at a reasonable tax rate the services requested by the petition and that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. Butner has proposed a \$0.25/\$100 property tax rate with an estimated property tax revenue of \$1,497,116. As a result of the types of services the Town of Butner plans to provide and the manner in which those services would be provided, the proposed \$0.25/\$100 property tax rate appears to be reasonable.

Table 2 provides data on municipalities incorporated since 2000 that compare their tax rate with the tax rate proposed by Butner. However, to give some indication of a comparison of Butner's proposed tax rate and that assessed by other similar municipalities, DCA compared Butner with the North Carolina Department of Treasurer 2006 Municipal Financial Profiles for municipal populations between 2,500 and 9,999 persons. Butner has proposed an \$0.250/\$100 property tax rate with an estimated property tax revenue of \$1,497,116 (based on 90% collection of \$1,663,462 total taxes due). In comparison, the North Carolina Department of Treasurer indicates in its report an average property tax rate of \$0.2921/\$100 assessment and average property tax revenue of \$1,520,336. For the proposed Town of Butner to generate similar revenues it would need to levy a property tax rate of \$0.2285/\$100 assessment (assuming a total assessment of \$665,384,786). As stated above, Butner can provide the four proposed services at a reasonable tax rate, but would not likely be able to provide additional services without a property tax rate increase. It appears that NC G.S. 120-170 is satisfied.

Conclusion

It appears that the proposed Town of Butner satisfies the North Carolina General Statutes 120-167 through 120-170. The Commission is not precluded from making a positive recommendation on the incorporation of the proposed Town of Butner.

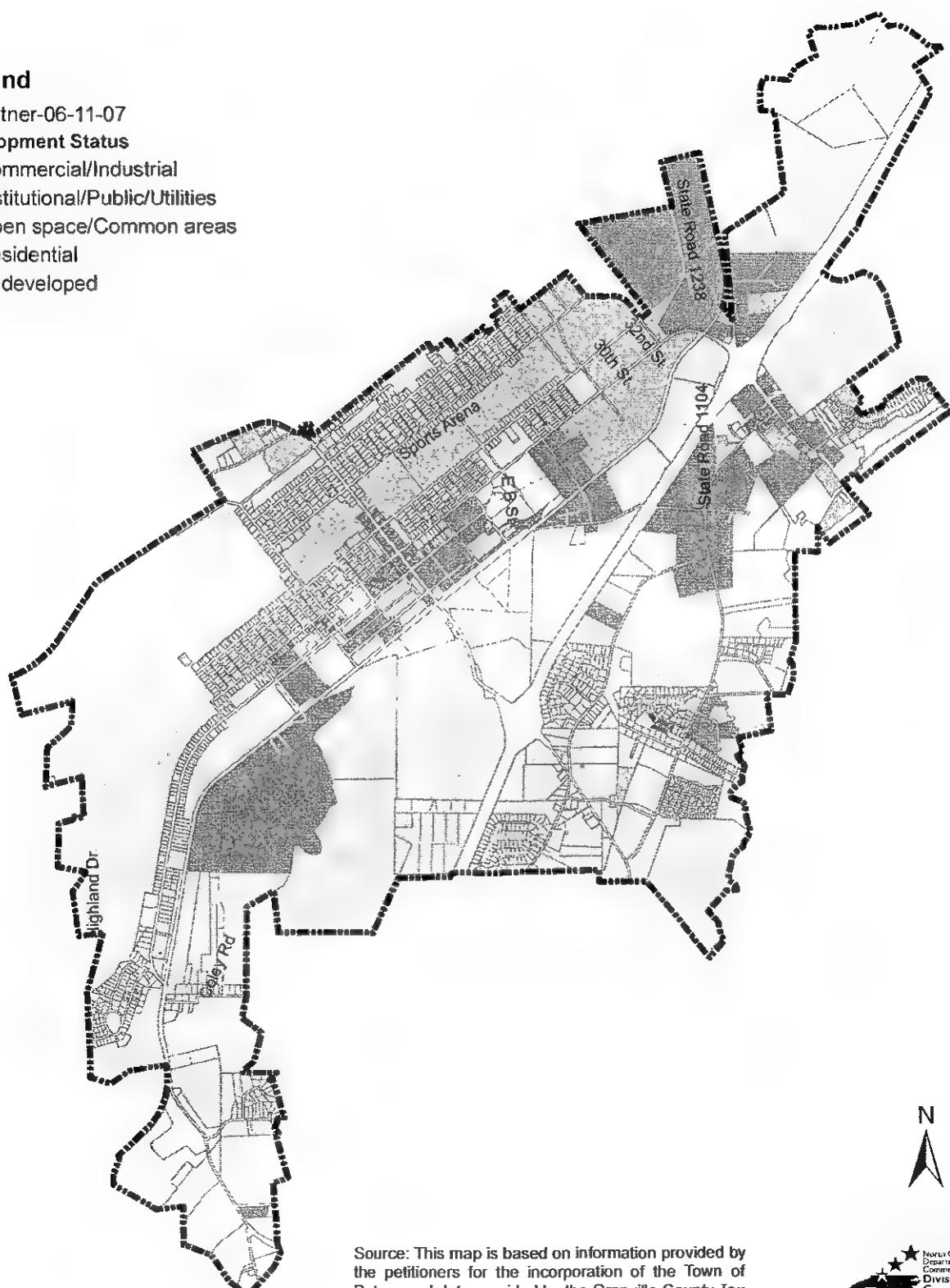
Information sources:

Petition for Incorporation of the Town of Butner
2000 US Census (referenced 05/05), <http://www.census.gov/>
Granville County GIS Department, Parcel Data and Assessment Data
North Carolina Office of State Treasurer (referenced 07/05)
http://www.treasurer.state.nc.us/lgc/units/D_NC.htm

Map A: Town of Butner Incorporation, Phase 2 Study

Legend

- Butner-06-11-07
- Development Status
- Commercial/Industrial
- Institutional/Public/Utilities
- Open space/Common areas
- Residential
- Undeveloped



Source: This map is based on information provided by the petitioners for the incorporation of the Town of Butner and data provided by the Granville County Tax and GIS Departments.



Prepared June 11, 2007

Financial Comparison of Municipalities Incorporated from 2000 to 2005 (FYE 2005)

Municipality	County	Butner (1)	Osprey	Midland	Duck	Mills River	Misenheimer	Red Cross	Wallburg	Mildway	Fairview	Union
Date of Incorp.		12/9/2002	1/17/2000	5/1/2002	6/24/2003	6/26/2003	8/1/2002	8/1/2002	6/29/2004	6/29/2006	1/15/2002	
Pop. 7/1/2005 (2)	\$ 722	452	2,820	521	6,147	685	770	2,894	4,399	4,201		
Tax Rate per \$100 (3)	\$.250	\$ 0.050	\$ 0.150	\$ 0.200	\$ 0.075	\$ 0.150	\$ 0.160	\$ 0.050	\$ 0.050	\$ 0.020		
2005 Revenues (3)											No data available	
Ad Valorem	\$ 1,497,116	\$ 9,085	\$ 331,911	\$ 1,522,929	\$ 414,986	\$ 21,873	\$ 66,890	\$ 84,366	\$ -	\$ -		
Local Sales Tax	\$ 1,451,500	\$ 75,801	\$ 103,485	\$ 645,799	\$ 1,360,672	\$ 111,880	\$ 118,498	\$ 301,252	\$ -	\$ -		
Solid Waste fees	\$ -	\$ 11,840	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Utility Franchise	\$ 351,300	\$ 13,834	\$ 86,593	\$ 156,748	\$ 317,449	\$ 21,548	\$ 16,832	\$ 45,529	\$ -	\$ -		
Powell Bill	\$ 203,300	\$ -	\$ 63,753	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Water/ Sewer Fees	\$ -	\$ 49,721	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Beer & Wine	\$ 33,600	\$ 2,062	\$ -	\$ 2,253	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Other	\$ 500,000	\$ 1,787	\$ 39,412	\$ 1,576,837	\$ 63,505	\$ 299,066	\$ 5,316	\$ 50	\$ -	\$ -		
Total 2005 Revenue	\$ 4,036,816	\$ 164,130	\$ 625,154	\$ 3,904,566	\$ 2,156,612	\$ 454,367	\$ 207,536	\$ 431,197	\$ -	\$ -		
Per capita revenue	\$ 559	\$ 363	\$ 222	\$ 7,494	\$ 351	\$ 663	\$ 270	\$ 149	\$ -	\$ -		
2005 Expenditures (4)											No data available	
General Govt.	\$ 369,727	\$ 38,926	\$ 126,469	\$ 404,130	\$ 549,069	\$ 112,425	\$ 12,554	\$ 29,543	\$ -	\$ -		
Police	\$ 1,497,116	\$ -	\$ -	\$ 523,752	\$ 18,272	\$ 250,346	\$ 11,220	\$ -	\$ -	\$ -		
Combined w/ police	\$ 17,819	\$ 111,122	\$ 486,349	\$ 339,221	\$ -	\$ -	\$ 23,280	\$ -	\$ -	\$ -		
Water	\$ 57,568	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Solid Waste	\$ 30,033	\$ 94,080	\$ 742,498	\$ -	\$ -	\$ 14,915	\$ 32,333	\$ -	\$ -	\$ -		
Street Maintenance	\$ 160,054	\$ -	\$ 1,200	\$ 102,147	\$ -	\$ -	\$ 2,221	\$ -	\$ -	\$ -		
Street Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Street lighting	\$ 17,595	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Zoning	\$ -	\$ -	\$ 3,236	\$ 180,819	\$ 75,842	\$ -	\$ 4,196	\$ -	\$ -	\$ -		
Other	\$ 474,480	\$ 10,963	\$ -	\$ 727,440	\$ 5,346	\$ 17,817	\$ -	\$ -	\$ -	\$ -		
Total 2005 Expenditures	\$ 2,518,972	\$ 155,311	\$ 336,107	\$ 3,167,138	\$ 987,750	\$ 397,724	\$ 83,583	\$ 29,543	\$ -	\$ -		
Per capita expenditures	\$ 344	\$ 119	\$ 6,079	\$ 161	\$ 581	\$ 109	\$ 10	\$ 10	\$ -	\$ -		

Sources:

- (1) Data on Butner is based on information provided in petition
- (2) Office of State Planning: Population Estimates for July, 2005 (Butner population is from estimates in petition)
- (3) NC Revenue Department: FYE 2004-05 Tax Rates Publication
- (4) NC Treasury Department: Municipal Annual Financial Information Summary Report for FYE 2005

Note: Data Compiled by NC Division of Community Assistance on January 8, 2007 based on most recent data available from identified sources
Zoning will be budgeted out of General Govt (Town Operations) line item

1. Sales Tax Revenue Change

Granville County distributes sales tax revenues on a per capita basis. This analysis uses the 2005-06 actual sales tax distribution to show how the distribution would have changed had Butner been incorporated at that time.

Current					
County	Municipalities	Population	% of Population	Sales Tax Distribution	
Granville		52,942	81.78%	9,474,746	
	Creedmoor	2,611	4.03%	467,277	
	Oxford	8,562	13.23%	1,532,295	
	Stem	235	0.36%	42,057	
	Stovall	386	0.60%	69,080	
	TOTAL	64,736		11,585,455	
 With Incorporation					
County	Municipalities	Population	% of Population	Sales Tax Distribution	Change
Granville		47,502	73.38%	8,501,178	(973,568)
	Creedmoor	2,611	4.03%	467,277	0
	Oxford	8,562	13.23%	1,532,295	0
	Stem	235	0.36%	42,057	0
	Stovall	386	0.60%	69,080	0
	Butner	5,440	8.40%	973,568	973,568
	TOTAL	64,736		11,585,455	

2. Powell Bill Allocation Change

Annual state street aid (Powell Bill) allocations are made to incorporated municipalities which establish their eligibility and qualify as provided by G.S. 136-41.1 through 136-41.3. The total amount allocated is seventy-five percent (75%) on the basis of relative population and twenty-five percent (25%) on the basis of relative non-State System local street mileage.

For 2005-06, population-based allocations assumed a statewide qualifying municipal population of 4,606,230 and available funds of \$136,850,768. This created a per capita distribution rate of \$29.71.

Adding the population of the proposed town of Butner to the statewide total creates a new population of 4,611,670 and a new per capita distribution rate of \$29.67. The rate change is too small to have a significant impact on the Powell Bill distributions to other Granville County municipalities.

The attached report from the Department of Revenue estimates that the Town of Butner would receive \$260,000 in Powell Bill funds based on population. The town plans to maintain streets locally; therefore, an additional allocation based on street miles is included in the amount.

3. Other Revenues

Municipalities receive an amount equal to approximately 3.09% of the gross receipts resulting from the sale of power and light within the respective municipality. In addition, municipalities receive a portion of the telecommunications sales tax and the piped natural gas tax. Municipalities receive a share of the excise tax on beer and wine if they hold a referendum approving the sale of beer and wine within the corporate limits.

The Department of Revenue has estimated the amount of revenue that the town of Butner would have received in FY 2005-06 from each of these taxes. This information is included in the attached report.

Prepared by:
Brian Slivka, Fiscal Research Division
June 21, 2007

**PRO FORMA ESTIMATE OF REVENUES FOR THE POSSIBLE INCORPORATION
OF BUTNER (GRANVILLE COUNTY)
FOR FISCAL YEAR 2005-06**

Proposed Property Tax Rate per \$100 valuation	0.25
Estimated Permanent Resident Population	5,440
Roads - Locally Maintained	81.9

Pro Forma Revenue, Fiscal Year 2005-06

1. Sales & use tax *	\$1,070,000
2. Electric power franchise tax***	\$155,000
3. Beer & wine excise taxes *,**	\$25,000
4. Piped natural gas excise tax***	\$35,000
5. Telecommunications sales tax*,***	\$80,000
6. Powell Bill*	\$260,000
TOTAL	\$1,625,000

* Items 1, 3, 5, and 6 require a minimum tax rate of \$0.05 per \$100 valuation.

** A newly incorporated municipality in Granville County would share in the beverage tax revenues only after holding a referendum in which the sales of beer and/or wines are approved.

*** The electric power franchise tax distribution is equal to 3.09% of the gross receipts from the sale, within the corporate limits of the municipality, of electricity. Effective July 1, 1999, the utility franchise tax on piped natural gas was repealed and replaced with the piped natural gas excise tax. Effective January 1, 2002, the telephone franchise tax was repealed and replaced with a sales & use tax.

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